DOCUMENT RESUME

ED 064 032 RC 006 267

AUTHOR	Brugge, David M.; Correll, J. Lee
TITLE	The Story of the Navajo Treaties. Navajo Historical Publications, Documentary Series No. 1.
INSTITUTION	Navajo Tribe, Window Rock, Ariz.
PUB DATE	71
NOTE	101p.
AVAILABLE FROM	Navajo Tribal Museum, Navajo Parks and Recreation Department, P.O. Box 797, Window Rock, Arizona 86515 ($1.00)
EDRS PRICE	MF-$0.65 HC-$6.58
DESCRIPTORS	*American Indians; *Foreign Relations; *Government Role; *Historical Reviews; *Reservations (Indian)
IDENTIFIERS	*Navajo

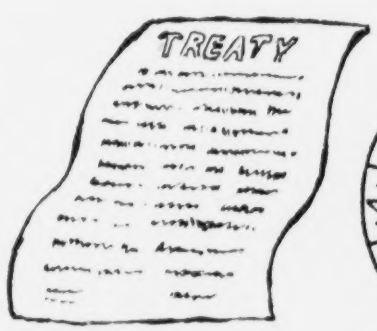
ABSTRACT

Navajo peace treaties are reproduced and the conditions discussed in this historical document. Knowledge of peace treaties between the Navajos and Spanish in the 17th and 18th centuries is fragmentary. The first known treaty known treaty with Spain is dated May 12, 1805. Following this treaty came further treaties with Spain, between 1805-19; then with Mexico, between 1822-44; and finally, with the United States, between 1846-68. (FF)

U.S. DEPARTMENT OF HEALTH,
EDUCATION & WELFARE
OFFICE OF EDUCATION
THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL OFFICE OF EDUCATION POSITION OR POLICY.

ED 064032

NAVAJO HISTORICAL PUBLICATIONS



RECEIVED
JUL 20 1972
NMSU
E.R.I.C.

DOCUMENTARY SERIES NO. 1

THE STORY OF THE NAVAJO TREATIES

BY

DAVID M. BRUGGE & J. LEE CORRELL

1

RC006267

NAVAJO HISTORICAL PUBLICATIONS

DOCUMENTARY SERIES

NO. 1

THE STORY OF THE NAVAJO TREATIES

WITH TEXTS IN ENGLISH

by

David M. Brugge
and
J. Lee Correll

Cover design by Johnny Lee Dawes

A Publication of the Research Section
Navajo Parks and Recreation
The Navajo Tribe
1971

Price $1

C O N T E N T S

	Page
THE STORY OF THE NAVAJO TREATIES	1
Summary of Treaty Terms	40

TEXTS OF THE NAVAJO TREATIES

Treaty of May 12, 1805	43
" August 21, 1819	45
" October 29, 1822	50
" February 12, 1823	54
" July 15, 1839	56
Treaty Between April 6 - May 8, 1841	59
Treaty of March 23, 1844	61
" November 22, 1846	64
" May 20, 1848	66
" September 9, 1849	68
" July 18, 1855	73
Terms of Armistice, November 20, 1858	77
Treaty of December 25, 1858	79
" February 15, 1861	82
" June 1, 1868	88

THE STORY OF THE NAVAJO TREATIES

Lost and destroyed archival documents and the limits of human memory prevent us from knowing when the first peace treaty was concluded between the Navajo Tribe and the whites. The earliest record of peace being made does not seem to involve a formal treaty. In the 1620's Fray Alonso de Benavides, stationed at Santa Clara Pueblo as head of the Spanish missions in New Mexico, arranged a peace of short duration in his efforts to convert the Navajos.[1/] Documentation for the 1600's is extremely fragmentary and it is not known whether the Spaniards signed any written treaties with the tribe during the first century of settlement in New Mexico.

In 1706 the Navajos negotiated a peace with the Spaniards, but again no formal treaty,

if one was made, had survived and none is known for the entire century. Perhaps wars in those early days were concluded with mere verbal agreement, for there were wars followed by periods of peace of varying lengths.[2]

The earliest known peace treaty was negotiated in 1805, following a very bitter war. At the time the war ended, Fernando Chacon was governor of New Mexico.[3] He wrote a proposal for a treaty which he entitled "Conditions that ought to be made to the [Navajo] Nation when it is granted peace" which was quite punitive in its terms. These would have restricted the Navajo territorially, denied them any return of stock taken by the Spaniards during the war, required them to surrender all stock the Spaniards had lost, limited the number of Navajo captives returned to the number of Spanish

captives the Navajos were able to surrender, placed them under the threat of a new war at the slightest provocation and denied the Navajos any "gifts or other courtesy such as food" when they came to Santa Fe to see the governor.[4] Before the treaty was concluded, however, Chacon was relieved of his post, in part perhaps because of his rather inept handling of Navajo affairs. He was replaced by Joaquín Real Alencaster,[5] who reported upon the conclusion of peace negotiations in a form suggesting that a treaty might have been prepared. The only territorial concession made by the Navajos was to "the site called Cebolleta" where Spain had established a settlement on the southeast side of Mount Taylor. A complete exchange of captives was agreed upon and at least two were returned by the Navajos, while the Spaniards surrendered seventeen.

There is good evidence that some few captives were not given up by the Spaniards, but it is not likely that Alencaster was aware of them. The agreement included a clause that the Navajos would not make alliances with enemies of the Spaniards and that they would aid the Spaniards if attacked by a third party. All Navajos who caused damage in New Mexico were to be surrendered to the Spaniards for punishment. The Spaniards were to "permit" the Navajos to engage in commerce, stock-raising, agriculture and other enterprises. The King extended his protection to the Navajos. Violation of the treaty was to lead to war upon the Navajos in order to destroy them. This last clause was not to be strictly enforced, for it was an empty threat beyond the power of the Spaniards. The Navajo headmen who negotiated on behalf of the tribe were Cristoval

and Vicente.[6]

The next treaty was made in 1819 and was one of the longest and most complex treaties ever made with the tribe. The treaty was negotiated by Facundo Melgares, governor of New Mexico, for the Spaniards, and by Joaquin, Gordo, Vicente, Salvador and Francisco on the part of the Navajos. Navajo captives were returned to the tribe, no mention being made of Spanish captives among the Navajos. While the Navajos were to surrender malefactors, the Spaniards promised punishment for all under their rule who injured Navajos as well. The Navajos made no territorial cessions, being assured the use of all lands previously used, but Spanish ranchers were to be allowed to range their stock into Navajo country for a specified distance. A "general" was to be appointed by the Navajos to

handle dealings with the Spaniards and he was to maintain his residence near Jemez to facilitate such dealings. Joaquin was appointed to this position. Again the Navajos were promised the protection of the King, but without reciprocal obligations to help the Spaniards defend themselves. The King's protection was also extended to the Hopis, a unique feature, as was the requirement that a Navajo headman reside as a hostage in Santa Fe at the expense of the Spanish government.[7]

Despite Melgares' elaborate treaty, peace did not last long, for he was a better writer than he was a diplomat, and by 1822 another war had been fought and a new treaty was needed. Like Chacon before him, Melgares wrote very harsh terms for this proposed treaty. He demanded that the Navajos surrender not only all

captives, but also all apostates who had fled to the Navajos, probably Pueblo Indians, although also planning to return Navajo captives to their own people. The tribe was to be allied with Spain. They were to recognize as New Mexico's boundary Bear Spring, Chusca, Tunicha and the San Juan River. (Melgares' geographical knowledge would appear a bit confused.) Both peoples were to be allowed to go among each other to trade. Punishment for all malefactors against the other by either Navajos or New Mexicans was to be administered by Spanish authorities. Navajos were not to buy livestock at herders' camps, but only from the owners themselves. If the treaty were not agreed upon, war was to be recommenced.[8/] Harsher treaties had been and would be proposed, but this was even more, particularly with regard to territorial boundaries,

than Melgares could have any hope of enforcing. The proposals are more revealing than most as to some of the causes of misunderstanding. About a month and a half later a treaty was actually agreed upon. Although it bears only the signatures of New Mexicans, it shows considerable difference from the original proposals, and most significant was the elimination of the territorial restriction. The treaty stated that the provisions of the previous treaty would remain in force. The Navajos were given permission to trade and travel in the province to New Mexico. A mutual exchange of captives was agreed upon, with the provision that those held by the Spaniards could be retained "if there be grave reason for retaining them." Whether this was written with ulterior motives is not clear. If the Navajos should want a general, Segundo

was to be appointed.[9/]

Although there was no new war, Governor Jose Antonio Vizcarra proposed a new treaty with the Navajos early in 1823. The conditions demanded were so unrealistic that it can only be presumed that Vizcarra was trying to start a war. Indeed, as soon as the Navajo left to discuss the proposals a plan of war was drawn up, complete with an agreement as to how the booty to be taken was to be divided. The proposed treaty had only four articles embodying five conditions: 1. That all captives and fugitives among the Navajos be surrendered to the whites; 2. That only those Navajos who wished to return to their tribe be returned, but that they be exhorted to remain and become Christians; 3. That the Navajos surrender all that they had stolen in the Province in its entirety; 4. That

they accept the Catholic religion and settle in pueblos. The Navajos were given three months to agree to these impossible conditions,[10] and when the headmen failed to appear and submit in abject surrender, Vizcarra led a new campaign against them.[11] A treaty had been concluded by June 18, 1824, but no copy has been found and nothing is known of its terms.

There were peace negotiations in 1835, but nothing is known about their outcome.[13] A treaty was concluded at Jemez in 1839. Correspondence reveals that a Navajo named Antonio Sandoval was appointed to "govern" the tribe and that a mutual defense clause was included.[14]

Terms (at least as appearing on an unsigned copy, perhaps differing from the final agreement), were to establish peace and commerce, surrender of all captives by the Navajos but none

by the whites, although if a Navajo captive should escape and successfully return to her people, the tribe would not be expected to pay for her, all persons who caused the death of members of the other group were to be punished by the Mexican authorities and the two people were to aid each other in wars with third parties.

Negotiations for a treaty begun toward the end of 1840 resulted in a signed treaty in April or May of 1841. The final terms of the agreement are not known, but a draft copy of the treaty reveals what the Mexicans hoped the Navajos would agree to accept. Of particular interest with regard to this treaty are the reports of two different Mexican officials who attended negotiations in March in an effort to conclude the treaty. One reported that everything had been agreed upon, but that he did not

bother to have the treaty signed, a detail that the governor could attend to at his leisure. The other reported a stalemate in the negotiations on the point of whether the captives held by New Mexicans were to be returned and that the Navajos warned that all Mexican livestock should be kept away from grazing lands in Navajo country until agreement was reached. This false report, if indicative of the manner of conduct of public affairs by some officials during the Mexican period, indicates that perhaps some signed treaties might not represent terms to which the headmen agreed, as the documents present only the white man's side of matters in detail. There is evidence in later correspondence that the Navajos were allowed the return of some of their people from captivity among the Mexicans, and that they were allowed to

settle some transactions by payment rather than surrender of the offenders.[16]

Another treaty was concluded in 1844. There is a draft with some changes, but lacking signatures, that is probably close to the final version of the treaty.[17] It does show differences from a slightly earlier draft copy.[18] The only important change was deletion of the mutual defense clause. Most of the terms were similar to preceding treaties except that a provision was made by which Navajo "rancherias" could locate near the towns of New Mexico. There is no evidence that any did so, however. The provision that captives were to be surrendered only by the Navajos was apparently retained through deceiving the headmen, for they later claimed captives under this treaty and the comandante-general was forced to concede and release some captives to

them.[19]

* * * * * * * * * * * * *

The first treaty made by the United States with the Navajos, Doniphan's treaty at Bear Springs, was both fair and simple. Peace and trade were established, and all booty and captives held by either side were to be returned.[20] This treaty was too fair to be enforced, however, without more troops in New Mexico than the government was able to provide.

Barely a year and half later in 1848 a new treaty was negotiated by Colonel Newby at Beautiful Mountain. This was also a simple and relatively fair treaty. The only new provision was that the Navajos were to pay livestock to cover the cost of Newby's expedition to the Navajo country. No mention was made of booty

taken by either side, except that all captives were to be restored to their own people.[21] Again the terms were too just to be enforced without troops and a full understanding of conditions in New Mexico, neither of which were available. Neither of these treaties was ratified.

The Treaty of 1849, negotiated by Colonel John M. Washington, was ratified and was one of the most well-known of them all, since Narbona, an aged headman, was killed at Tunicha during the negotiations. The treaty was concluded at the mouth of Canyon de Chelly on September 9th.[22] This was a far more complex document than the two preceding ones. The United States, by virtue of the Treaty of Guadalupe Hidalgo with Mexico, assumed the responsibility for the Navajos. Rather than the usual generalities regarding trade, all the laws governing commerce with the Indians

were extended to include trade with Navajos, and the government even agreed to establish trading posts. The government was to "designate, settle and adjust" the territorial boundaries of the tribe. The Navajos were to return all captives and goods taken from the whites, but no provision for equal return to them was made. In the future, white offenders against the Navajos were to be punished by the United States. The surrender of the Navajos who might be guilty of a previous murder was agreed upon, but agreements to govern future handling or similar cases were not included. The government was to establish such military posts and agencies as might be needed in Navajo country, the people of the United States were granted free and safe passage through Navajo country, and the Navajos were to receive such "donations, presents and implements" as the government might consider proper. Perhaps most significant was

a promise by the government to give the treaty "a liberal construction, at all times and in all places" and to act "so as to secure the permanent prosperity and happiness of said Indians."[23]

Nonetheless, new troubles followed and Colonel Sumner, after establishing Fort Defiance and killing some Navajos, on September 10, 1851,[24] made a new treaty at Jemez in 1851, based on the 1849 treaty. No copy of this treaty has come to light; the only known provision was for the surrender of captives by the Navajos, an agreement that they carried out.[25] This treaty was not ratified.

The next treaty, negotiated by David Meriwether, Governor of New Mexico at Laguna Negra, "Black Lake," near Fort Defiance in 1855, was to be a treaty of cession and was not the result of a war. The treaty was never ratified, although it was submitted to the Senate. A

reservation was to be established, and all lands outside its boundaries ceded to the government for $98,000.00, to be paid to the Navajos in various goods and services "for their moral improvement and education." This was the first treaty to mention prohibition of "spiritous liquors" and "ardent spirits" in Navajo country. Other provisions were not greatly different from earlier treaties.[26] The principal objection that prevented ratification was the complaint of the New Mexicans that it did not give them enough of the Navajos' land.[27]

Following a brief war in 1858 an armistice was signed in November. This was merely a preliminary agreement until a treaty could be arranged, but its terms are significant. The Navajos agreed to return "every horse, mule and poney" taken from Fort Defiance during the

war, and to surrender a man accused of murder as soon as they could catch him. They were to select a principal chief to whom must be given strict obedience. They were to surrender all captives and in return receive all captives held at Fort Defiance.[28] A treaty was concluded on Christmas day at Fort Defiance. The terms of the armistice were honored in the treaty, and even made more liberal in that the surrender of the murderer was waived due to his flight beyond Navajo territorial limits. Territorial restrictions were demanded, but no reservation was provided to protect what was to be left to the Navajos. Only an eastern boundary was specified, and Chief Sandoval's band was given special permission to remain even further east. The Navajos were to return all goods and captives taken in the war, but were to receive in return

only those Navajos who were held prisoners by the United States. Those in private hands were not mentioned. The army threatened to seize stock at large to make up for any reparations not paid.[29] The treaty was rejected by both the Navajo tribal assembly[30] and the U.S. Senate - if indeed, it was ever presented to the Senate, which seems unlikely. No whites signed the treaty as representatives of the government, but only as witnesses to the signatures of the headmen. This treaty had little effect on Navajo-White relations, and new wars followed.

Lt. Col. Ed. R. S. Canby conducted a war in 1860 which resulted in a decisive defeat to the tribe, and a treaty was signed on February 15, 1861 at Fort Fauntleroy. Zuni, Hopi and all other tribes under the protection of United States were to be protected by the treaty. A Navajo head

chief was to receive the support of all the headmen. They were to make war on any "ladrones" or thieves until they were brought under control, nor would they permit any "ladrones" to take refuge within the tribe. All stolen property was to be returned or payment made for it. On the other hand, the government was to take measures to see that justice was done to Navajos upon whom robberies had been committed. The Navajos were to remain west of Fort Fauntleroy (present-day Fort Wingate) until "otherwise stipulated" and were to establish themselves "in pueblos or settled communities" as "soon as it is practicable, and the necessary arrangements can be made." When the Navajo people should conform in good faith to the treaty, steps would be taken to place them under the same conditions as other Indian nations under the protection of the govern-

ment. Many of the terms of the treaty were conditional or subject to change, and it was, perhaps, a soldier's treaty not intended for ratification, but merely to end the war and provide a basis for a more formal treaty. Canby called it a treaty, however, rather than a truce or armistice.[31]

The Civil War prevented any attempt to implement the treaty as a permanent or even temporary instrument of peace. With the breakdown of military control in New Mexico, both New Mexican and Ute raiders stepped-up the raids on the Navajos that Canby had not yet brought under control and a general state of war renewed. This was followed by the Carson Campaign and the Fort Sumner exile.[32]

The final treaty with the Navajos, concluded June, 1868 at Fort Sumner, terminating the exile of the tribe on the Pecos River, was

the most enlightened of all treaties signed by the Navajo headmen. The terms of the treaty and the reservation established by it are so well known that there is little need to repeat them here. Most significant perhaps are not the terms included, but those omitted. For instance, no attempt was made to impose foreign customs upon the tribe, such as many early treaties had proposed, but provisions were made for schools. 33/

The chart (center fold) tabulates the presence or absence of various important provisions in the known treaties and treaty proposals.

All of the treaties except that of 1855 were made primarily to establish peace - or were said to have been written for that purpose. Vizcarra's proposal of 1823, however, seems to have been an ultimatum intended to provoke war, in spite of his claims to the contrary. Pro-

visions were made for trade in most treaties until 1858. From this date on it probably was assumed that general laws regarding trade with Indians applied and nothing more was needed in the treaties.

In the late Spanish period land use was a matter of considerable significance, and all treaties and proposals up to and including Melgares' proposals in 1822 included efforts to define land rights. Throughout most of the Mexican period little attention was given to this matter, however, and this tendency carried over to the first two treaties made by the United States. Thereafter, only the truce of 1858 failed to make provisions of some sort regarding boundaries. Only under Spanish and United States rule were any provisions made to protect the land rights of the Navajos as well

as those of the whites.

The problem of captives taken by the two sides was considered in most treaties, and the changes in these provisions are quite revealing. During the late Spanish period the matter was not a major problem, and more or less complete exchanges were accomplished with a minimum of dispute, a condition that continued into Melgares' rule under Mexico. Vizcarra agreed to return captives to the Navajos who wished to return, but advocated pressure to prevent such decisions by the captives. Throughout the rest of the Mexican period all known proposals by the whites were that the return of captive Navajos be denied. The only recourse the captives had was to escape or to be ransomed from their owners by relatives. The holding of Navajo captives as servants had become firmly established, and the whites would not

readily relinquish their "property." The United States officers who made most of the treaties had little knowledge of this problem and at first freely promised complete exchanges of captives, unaware of the difficulties involved in any attempt to carry out these agreements. Later, as land disputes increased, the captive problem was ignored, except to demand return of captives held by the Navajos. The Civil War and the abolishment of slavery made the problem a matter to be dealt with by legislation rather than treaty, and in time many of the captives were released to the tribe.

Most treaties required that Navajos who committed offenses against non-Navajos be surrendered to the whites for punishment. Some also promised protection to the Navajos from malefactors living under the rule of the whites,

while one treaty proposed during the Mexican period allowed for payment of damages only to the Navajos, while demanding punishment of Navajo transgressors. The Navajos were probably willing to settle most losses by payment, as it was the usual method of handling offenses within the tribe, but objected strongly to surrendering their own people to a foreign power for punishment in ways far more severe than tribal usage would sanction.

Proposal by the whites to effect cultural changes among the Navajos were sporadically advanced during the Spanish and Mexican periods. Only the effort to establish a position of "general" or "head chief" had any effect, and this seems to have resulted in recognition among the Navajos of the need for a representative to deal with the Whites. The man who was so honored functioned more as a diplomat than as a headman. The United

States gradually increased the number of clauses in treaties designed to enable the Navajos to adjust more easily to conditions that were changing with increasing rapidity, but not until the final treaty did the most important provision appear: that to establish schools.

Virtually every work on Navajo history asserts that the Navajo headmen signed treaties regularly with no intention of living up to their agreements. It cannot be denied that many provisions of the treaties were unrealistic, and frequently both sides made agreements that they were to find impossible to fulfill. The negotiators on both sides deserve some benefit of a "liberal interpretation" of their motives, and particularly should allowance be made for undue optimism in their desires to establish peace. Both Navajos and whites suffered greatly from the wars, and

there can be little doubt that the responsible leaders on both sides were generally sincere in their desires to bring the wars to an end. Treaties were negotiated through interpreters, and the representatives on the Navajos' side were generally illiterate and not able to read the treaties. There are plenty of opportunities for misunderstandings and there obviously were misunderstandings sometimes on issues of very great importance. Confusion regarding exchange of captives has been mentioned above.

The transcripts of the negotiations for the Treaty of 1868 have been preserved in the National Archives, and a classic misunderstanding in relation to that treaty is explained by these. The Navajos claimed after their return from Fort Sumner that General Sherman had given them permission to settle wherever they desired. The treaty itself

contains no such provision. The transcripts of negotiations show, however, that Sherman did say that any Navajos who severed tribal relations to live as white men could settle anywhere on vacant public domain.[34/] The Navajos were perhaps the most advanced tribe that Sherman had dealt with and he thought that they should have little trouble homesteading. The Navajos did not fully understand the implications of the conditions Sherman had included in this permission, and Sherman did not realize the kind of opposition and difficulties that Navajo homesteaders would encounter. This supposed agreement, while not a part of the treaty, was perhaps one of the major factors in preventing another Navajo war, however, for had the Navajos been limited to only the treaty reservation they would never have been able to achieve their

dramatic recovery from the effects of war, defeat and exile. This agreement, and a similar promise that they could have their people held captive by whites restored to them by the courts, neither of which were written into the treaty, were two of the more important results of the negotiations.

Similarly, the agreement as to lands ceded by the Treaty of 1805 was understood differently by the Navajos and the whites. The Navajos believed that they lost only the site of Cebolleta itself, while the Spaniards later asserted claim to the entire land grant of that name, a much larger area.[35/]

The headmen were not willing to sign any document produced by the whites, and negotiations were often quite protracted. Vizcarra's extravagant demands were politely delayed with a

promise to discuss them. The Anglo-Americans seem to have exerted greater pressure upon the headmen to obtain signatures on their treaties, and more frequently expected a treaty to be signed upon relatively short notice, without allowing careful consideration of the terms by the tribe. Treaties made under these conditions, such as Meriwether's treaty of 1855, cannot be considered as accepted by the tribe. Indeed, the method of the United States in requiring ratification of any treaty by the Senate may well have been considered by the headmen to be analogous to their own ritual methods of approving a treaty in tribal assembly. Neither nation considered the mere signing of a treaty as constituting final approval, nor did the negotiators on either side have the authority to make these commitments final on their own. During

or after most treaties there is evidence that the headmen tried to carry out their terms in good faith, returning captives and collecting livestock to replace losses suffered by the whites. Only the treaty of 1858, however, is definitely known to have been rejected by the tribe after being signed by the headmen.

Most of the hostilities that followed shortly after the signing of treaties, and that are almost universally cited by historians as evidence of bad faith on the part of the Navajos, were the work of war parties already in the field who did not yet know that a treaty had been concluded, as can be easily determined by a comparison of the relationships in time and distance between the conclusion of the treaties and the scene of action. These appear to have been no more than the rustling of livestock by Navajos impoverished by the wars.

When the headmen were under the burden of paying reparations in livestock, they had little time or resources left to expend upon efforts to take care of their own people. There were also attacks upon Navajos following the signing of some peace treaties, particularly in 1861 when slave raiding by the New Mexicans reached its peak. In neither society were the leaders able to exert complete control over their people. This is seldom possible even under an absolute monarchy or a dictatorship, and both the Navajo Tribe and the United States were democratic societies with high respect for the rights of the individual. Unfortunately, neither people had a good understanding of the customs or institutions of the other. Most treaties failed, not because of bad faith on the part of the negotiators, but because they

failed to correct the real causes for war. The treaty of 1868 succeeded largely because of agreements that were not a part of the treaty itself, and an extreme reluctance by either side to renew wars as destructive as the final Navajo wars had been, resulting in generally more enlightened policies by the leaders on the two sides in dealings with each other. Even after 1868 there continued to be stock rustling and occasional killings, but these were recognized as individual acts and handled as such. When a white man stole Navajo stock or killed a Navajo, the Navajos were careful to direct their reprisals against only the guilty party, often with the aid of their agent or the military, and when a Navajo stole from whites or killed a white man, he usually received a fair trial, no troops being called out to attack all Navajos they found.

Notes

1/ Fray Alonso de Benavides, The Memorial of Fray Alonso de Benavides, 1630, Translated by Mrs. Edward E. Ayer. Annotated by F. W. Hodge and C. F. Lummis. Privately printed, 1916. Fray Alonso de Benavides, Fray Alonso de Benavides Revised Memorial of 1634, Translated and edited by F. W. Hodge, G. P. Hammond and Agapito Rey, Coronado Cuarto Centennial Series, Vol. IV, Albuquerque, New Mexico, 1945.

2/ Frank D. Reeve, "Navaho-Spanish Wars: 1680-1720," New Mexico Historical Review, Vol. XXXIII, No. 3, pp. 205-31, Albuquerque, New Mexico, 1958.

3/ David M. Brugge, Long Ago in Navajoland, Navajoland Publications, Series 6, Window Rock, Arizona, 1965.

4/ Fernando Chacon, "Conditions That Ought to be Made to the Nation when it is Granted Peace," March 27, 1805, New Mexico State Records Center, Spanish Archives (hereinafter NMSRC SA), Santa Fe.

5/ Brugge, supra note 3.

6/ Governor to Salcedo, April 12, 1805, Santa Fe, NMSRC SA; Governor to Salcedo, May 15, 1805, Santa Fe, NMSRC SA.

7/ Gaceta Extraordinaria del Gobierno de Mexico, Tomo X, No. 144, pp. 1127-30, Mexico, 1819.

8/ "Points of Interest...", Laguna, September 12, 1822, NMSRC Mexican Archives, Santa Fe.

9/ "Agreement of Peace...", Zia, October 29, 1822, NMSRC MA, Santa Fe.

10/ "Points of Interest...", Laguna, February 5, 1823; and "Agreement...", Paguate, February 12, 1823, NMSRC MA, Santa Fe.

11/ David M. Brugge, "Viscarra's Navajo Campaign of 1823," Arizona and the West, Vol. 6, No. 3, pp. 223-44, Tucson, Arizona, 1964.

12/ Letter to Comandante Principal, Santa Fe, June 18, New Mexico Archives, 1824, Part 1, p. 138, Special Collections, University of New Mexico Library, Albuquerque.

13/ Letterbook entry No. 9, August 15, 1839, NMSRC MA 4367, Santa Fe.

14/ Armijo to Sandoval, August 15, 1839, NMSRC MA, Santa Fe.

15/ Draft for Peace Treaty, July 15, 1839, NMSRC MA, Santa Fe.

16/ Draft for Peace Treaty, 1841, NMSRC, MA, Santa Fe; New Mexico Archives, Vol. 143, Special Collections, University of New Mexico Library, Albuquerque.

17/ Draft for Treaty of Peace, March 23, 1844, Michael Steck Papers, 134 P Box 1 #268-9, Special Collections, University of New Mexico Library, Albuquerque.

18/ Martinez to Governor, February 26, 1844, with enclosure, Draft for Treaty of Peace, Mexican Archives, NMSRC MA, Santa Fe.

19/ NMSRC MA 7534, Santa Fe.

20/ William Elsey Connelley, Doniphan's Expedition and the Conquest of New Mexico and California, Kansas City, Missouri, 1907 Edition, p. 307.

21/ Treaty of Peace and Amity, May 20, 1848, National Archives, Record Group 94, Records of the Adjutant General's Office, Letters Received, File N-90/1848 encl.

22/ Washington to Jones, September 25, 1849, 31st Cong., 1st Sess., Sen. Exec. Doc. 1 (Serial 549), pp. 111-12.

23/ Charles J. Kappler, Indian Affairs, Laws and Treaties, Vol. II, Wash., D. C., 1904,

24/ Orders No. 1, Fort Defiance, September 10, 1851, National Archives, Record Group 98, Records of the War Department, Department of New Mexico, Misc. Docs., Box 38A, File Unentered/1851.

25/ Collins to Mix, September 27, 1858, Congressional Documents (Serial 974), pp. 536-46; Brooks & Reeve, Forts and Forays, James A. Bennett, A Dragoon in New Mexico, University of New Mexico Press, Albuquerque, 1948; Backus to McFerran, January 4, 1852, National Archives, Record Group 98, Records of the War Department, Department of New Mexico, Letters Received, File B-2/1852.

26/ Articles of Agreement and Convention, July 18, 1855, National Archives, Record Group 11, Records of the State Department, Collection of Indian Treaties.

27/ Meriwether to Manypenny, July 24, 1856, National Archives, Record Group 75, Records of the Office of Indian Affairs, New Mexico Superintendency, Letters Received, File N-148/1856.

28/ Terms of Armistice, November 20, 1858, National Archives, Record Group 98, Records of the War Department, Department of New Mexico, Letters Received, File M-84/1858 encl.

29/ Treaty of Peace, December 25, 1858, National Archives, Record Group 75, Records of the Office of Indian Affairs, New Mexico Superintendency, Letters Received, File Y-42/1858.

30/ David M. Brugge, Navajos in the Catholic Church Records of New Mexico, 1694-1875, Research Report No. 1, Window Rock, Arizona, 1968, p. 78.

31/ Treaty of Peace, February 15, 1861, National Archives, Record Group 98, Records of the War Department, Department of New Mexico, Letters Received, File C-32/1861 and encls.

32/ Brugge, supra note 29, pp. 84-87.

33/ Treaty Between the United States of America and the Navajo Tribe of Indians, June 1, 1868, National Archives, Records Group 48, Records of the State Departments, Treaties File, Treaty No. 372.

34/ Ibid.

35/ Investigation of Complaints of Spanish Encroachments, May-July 1808, NMSRC MA 3105, Santa Fe.

		SPAIN						MEXICO
		Proposed 1805	Agreed 1805	Signed 1819	Proposed 1822	Signed 1822	Proposed & Rejected 1823	Signed 1839
GENERAL	Est. Peace	X	X	X	X	X	X	X
	Est. Trade	-	X	-	X	X	-	X
	Est. Alliance	-	X	-	X	-	-	X
LAND	Use Protected	-	X	X	-	-	-	-
	Use by Whites w/o Cession	-	-	X	-	-	-	-
	Cession or Restriction	X	X	-	X	-	-	-
	Est. Reservation	-	-	-	-	-	-	-
CAPTIVES	Return all to Navajos	-	X	X	X	?	-	-
	Return some to Navajos	X	-	-	-	?	X	-
	Denial of Return to Navajos	-	-	-	-	-	-	X
	Return all to Whites	X	X	-	X	X	X	X
HANDLING OF FUTURE DISPUTES	Punishment of White Offenders	-	-	X	X	-	-	X
	Payment only for White Offences	-	-	-	-	-	-	-
	Punishment of some Navajos Surrendered by Tribe	-	-	-	-	-	-	-
	All Navajo Offenders to be Surrendered	-	X	X	X	-	-	X
CULTURE CHANGE	Navajos to Accept Christianity	-	-	-	-	-	X	-
	To settle in Pueblos	-	-	-	-	-	X	-
	General or Head Chief Appointed	-	-	X	-	X	-	X
	Payments or Gifts to Navajos	-	-	-	-	-	-	-
	Est. Military Post or Agency	-	-	-	-	-	-	-
	Prohibition of Alcohol	-	-	-	-	-	-	-
	Possible Distribution of Land in Severalty	-	-	-	-	-	-	-
	Schools	-	-	-	-	-	-	-

Tabulation of certain of the terms appearing in various proposed and completed treaties. Treaties for which the provisions are not known, such as those of 1824 and 1851, are not included.

UNITED STATES										
Proposed 1841	Proposed 1844	Revised 1844	Treaty of 1846	Treaty of 1848	Treaty of 1849	Treaty of 1855	Truce of 1858	Treaty of 1858	Treaty of 1861	Treaty of 1868
X	X	X	X	X	X	-	X	X	X	X
X	X	X	X	X	X	X	-	-	-	-
-	X	-	-	-	-	-	-	-	-	-
-	-	-	-	-	X	-	-	-	-	-
X	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	X	-	X	X	X
-	-	-	-	-	-	X	-	-	-	X
-	-	-	X	X	-	-	-	-	-	-
-	-	-	-	-	-	-	X	X	-	-
X	X	X	-	-	-	-	-	-	-	-
X	X	X	X	X	X	-	X	X	-	-
-	-	-	-	-	X	X	-	-	X	X
X	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	X	-	X	X	-	-
X	X	X	-	-	?	X	-	?	X	X
-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	X	-
X	-	-	-	-	-	-	X	X	X	-
-	-	-	-	-	X	X	-	-	-	X
-	-	-	-	-	X	X	-	X	-	X
-	-	-	-	-	-	X	-	-	-	-
-	-	-	-	-	-	X	-	-	-	X
-	-	-	-	-	-	-	-	-	-	X

TREATY OF MAY 12, 1805

Consequent to your communication of April 26, and in fulfillment of what you have arranged for me, I have agreed upon peace with the principal leaders of the Navajo nation, Cristobal and Vicente in the name of and in representation of them all, on the 12th day of this May with the following conditions:

(1) That at no time shall they make any claim to the lands of the site called Cebolleta;
(2) That they shall restore to us the two children that they have handed over to me, and any other captives which are found in their power;
(3) That they will make no alliance, treaty, nor communication with a nation or band hostile to us, and that on the occasions which might arise, they will also make war;
(4) That if any of their nation commit a robbery or other damage on those of this province, their chiefs will hand them over that they may be punished;
(5) That on our part we will permit them commerce, stock-raising, and planting of fields and other enterprises which they may wish to engage in, and that it will be presented to them as I have verified it to the Interpreter, Josef Antonio García conforming to what they have solicited, in order to give notice among them in due time and that there is handed over to them, as has been handed over to them, the captain called Segundo and 16 prisoners more that existed in San Elecario, and that in case of there being other prisoners among them or among us they will be handed over reciprocally; and that receiving them under the protection of the King and in his royal name, they are to be made to understand that the violation of the referred conditions, and to which fulfillment remains obligatory to the Nation in general, will be held to be formal declaration of War,

and it will be attacked suddenly in order to destroy it entirely.

Concerning the last man, finding himself already prisoner Segundo notified them that all the Nations that are at Peace practice not doing damage to those that have entered in the Province of other Nations or Bands who are their enemies and that if they verify it they agree among themselves; and that in case of having done robbery of horse herds they are obligated to return them so that by my protection their owners recover them and with respect to having verified the robbery from within the Province, so that to insure that they have peace, all of them that look for it with the Spanish Nation.

In this very manner, I predisposed them with respect. I handed over to them 16 slaves and one Captain, as they no longer had any other prisoners as they asserted, they should take great care to collect all the cattle and horses and mules that they encounter with brands in the Province, that they consented that all the Nation would meet and obedience to Cristobal, and to his lieutenants, would be re-established, that they would take care of collecting the few or many that they might encounter to let them know the value of conserving the Peace.

Because of it being risky you will know that I justifiably omitted speaking to them of the Utes.

On this day they went out from this villa accompanied by the Interpreter Josef Antonio Garcia for their country; in which the latter will stay until the end of June when he will come to present himself to me, and inform me of what may have happened, or whenever there might be cause that requires it.

To said Interpreter I have posted bond on the 12th of May and its entry on the same day in the journal of June, like the others separated from the enlistments of the Company with respect to which I see formed the previous lists, and that----------

Santa Fe, 15th of May, 1805

The Governor of New Mexico
reports having adjusted peace
with the Navajo Nation.

Senor Commanding General of the
Internal Provinces. ------

From: Governor Joaquin Real Alencaster to Salcedo, May 15, 1805. Translation by David M. Brugge

* * * * * * *

TREATY OF AUGUST 21, 1819

Internal Provinces of the East
Office of the Most Excellent Commander-General,
Field Marshall Don Alejo Garcia Conde.

Most Excellent Sir - On the 18th of last August the interim-Governor of New Mexico, Lieutenant-Colonel Don Facundo Melgares, gave me news that as a result of Your Excellency's superior foresight that he should proceed to conclude peace with the Navajos according to the proper terms, the principal leader, 4 headmen and 18 warriors of said nation recently presented themselves to him in the capital of Santa Fe.

These being drawn up under the conditions and procedures that the attached document relates, he sent them to me by special courier the 25th of the same August; and although nothing appears that would not be favorable, and even advantageous, with respect to us, I have acknowledged receipt warning him to await Your Excellency's decision, to whom I report all so that you may be served, if you consider it well, to dispense your higher approval, or to make to me the advice that you might consider proper.

And that expressed being as much as has come to my attention from the time of the last report until the present date that is worthy of Your Excellency's attention with relation to news of enemies in the area of the provinces of Nueva Viscaya /Chihuahua/, Sonora and New Mexico of the district

of my command, I report it to Your Excellency for your information, satisfaction and other corresponding reasons.

May God keep Your Excellency many years. Durango, September 20, 1819. - Most Excellent Sir - Alejo García Conde. - Most Excellent Viceroy, Count of Venadito.

Agreement of peace with the Navajo Nation between the Governor of the Province of New Mexico, the principal leader of said nation, the Peace Chief /Cacique/ and three captains.

1. On the 1st of last April acceding to the requests of the Navajos, I conceded them peace and friendship in the name of our beloved Sovereign of the Spains and of the Indies, Senor Don Fernando VII (May God keep him), and it being arranged by the orders of the authority of this government, the tribe ceasing to make war, I offered them the conditions under which peace would be granted to them, and they are as follows.

2. A general of the Navajo Nation will be named so that this government of New Mexico might have someone to address regarding what might happen and who might govern and direct it. - Agreed.

3. The general will be the captain, Joaquin, due to his abilities and friendship with the Spaniards or another whom the tribe might name, proposing as many captains as might be sufficient to govern the different families or bands, who this government will approve and grant the corresponding appointments. - Agreed.

4. The general will live as close as might be possible to Jemez, in order that the Spaniards and Navajos might meet thus for the prompt settlement of business that might arise. - Agreed.

5. This chief and the others of the bands will take care that their people plant and work to aid their subsistence. - Agreed, giving thanks.

6. The general will be responsible to this government for happenings that occur between Spaniards and Navajos and the captains to the Navajo general for what might be relative to their bands. - Agreed.

7. If some misfortune should occur between Spaniards and Navajos, common cause will not be made of it and the punishment of the culprit or culprits with their accomplices will be negotiated. - Agreed.

8. If the aggressor is Navajo and is known, he will be sent under arrest by the general of the nation and will be handed over to this government in just fulfillment so that it may punish him in accordance with his crime, that it will always be mercifully, since their way of life and other circumstances do not permit them the facilities for punishing offenders, compensating for damages if it should be possible or convenient; if the offender should be Spanish, the general or the injured party will make representation to this government, from whom he will receive satisfaction with the punishment that the culprit deserves and repayment if it should be necessary. - Agreed.

9. The peace will be broken for no personal or private incident, and this government will religiously observe that conceded, so much so that the Navajos will not break it by their own interests nor make unjust demands upon nor molest the citizens, shepherds and others of the province. - Agreed.

10. In the name of the Sovereign (although with their ill-timed and senseless hostilities they have been made undeserving) there is conceded to the said Navajo Tribe the lands that until now they have made use of for planting, pastures and other uses that might be applicable to them, with such reforms as have been repeatedly proposed, they should observe peace and harmony with the Spanish, half-breed and Indian people of the province. - Agreed. With thanks.

11. As a prevention of disturbances and for the conservation of peace, it agrees to determine the limits for the livestock of the province, in order to be understood by one and the other, neither might they allege ignorance, nor

make a reason for complaints and disputes, and although the condition of the arms of His Majesty permitted more extension, it will be limited to the old demarcation. - Agreed.

12. The line remains established on the old footing without alteration as far as Canyon Largo, the mouth of Chaco Canyon and Bluewater, lands which the livestock of the province has generally reached in past years, in which peace happily reigned, and to which they will arrive now, without passing the set limits. - Agreed.

13. In order that this may be more secure and durable, four youths will stay as hostages in this capital and they will be relieved each year by an equal number at the decision of the Navajo General, or before, when and how said Navajo chief might decide. - Agreed. And that a captain will substitute for the youths.

14. The hostages will be well treated and they will be supplied with that necessary for their subsistence and from the account of His Majesty, the Sovereign of the Spains. - The captain that will replace the youths will enjoy the said benefit.

15. Although this measure assures to said nation its tranquility as much as this government wishes that which is good from it, it is proper to make it understand most patently the benign ideas in its favor that nourish a paternal government that proceeds from the most amiable and benign Sovereign in the world, a feat of generosity that would do credit to it: handing over to them and prisoners that exist in this capital, as in fact there will be handed over when these conditions are fulfilled, by which it could be realized promptly. - Agreed, giving thanks.

16. They will respect the persons and property of the Moqui /Hopi/ Pueblos, because this government takes them under the protection of its amiable Sovereign, in whose shadow they have been placed. - Agreed.

17. In just return this government expects a perpetual peace and sincere and cordial harmony, to which on its part it will contribute with great care, rejoicing henceforth,

so that saturated by so much kindness they will comfort themselves gratefully, and the Navajo general, the captains and other individuals will carefully flee from all that could alter such a beneficial situation, they will raise their livestock, will tranquilly cultivate their lands, and enjoy the fruits of their labors in abundance and the energetic protection of the Monarch of the Spains that loves them tenderly, desiring their happiness as the superior government. - Agreed, giving thanks.

18. It will be sent to the Most Excellent Senor Commander-General so that by this channel it might reach the Most Excellent Senor Viceroy, Count of Venadito, so that if His Excellency considers it well, to give his approval, or to resolve that which might be to his superior liking concerning all. In Santa Fe on the 21st of August, 1819. - Agreed.

Facundo Melgares, Governor. - Joaquin+, Principal Leader. - Gordo +, for the Peace Chief /Cacique/. - Vicente +, Captain. - Salvador +, Captain - Francisco +, Captain

Mexico, October 26, 1819. - I approve this agreement in the name of the King, Our Lord (May God keep him) - Viceroy of New Spain, Count of Venadito.

Answer that His Excellency gave to the office of the Most Excellent Senor Field Marshall Don Alejo Garcia Conde.

Most Excellent Sir - With reference to Your Excellency's letter number 349 of last September 20th which I answer, I have received the agreement of peace executed with the Navajo Nation by Lieutenant-Colonel Don Facundo Melgares, interim-governor of the Province of New Mexico, and having understood its different articles, I have come to approve in the name of the King, Our Lord (May God keep him) said agreement in all its parts, and I have ordered that for greater authority and firmness it be published in the gazette of this government, advising Your Excellency for your knowledge, and remitting ten copies so that giving six to the principal persons of the Navajo Nation, two might remain in that general headquarters and the other two with the government of New Mexico for its proper conservation

and fulfillment, and to whose chief Your Excellency will give thanks in the name of His Majesty for this new service, as well as to the Navajos for their adherence to his paternal government and Sovereign Royal Person. - Mexico, October 26, 1819.

From: Special Gazette of the Government of Mexico for Wednesday, October 27, 1819. Translation by David M. Brugge.

* * * * * * *

TREATY OF OCTOBER 29, 1822

A. Preliminary Conditions

Points of interest that the Political Chief of this Province has considered carefully in order to celebrate peace with the Navajo Tribe - A.S.V. -

1st that the alcaldes ought to be (present) with thirty men, the best of their commands, on the day that I might set in the Pueblo of Laguna, well equipped for war - That the Captains of the Militia ought to be in their company, it being the will of the Superior Chief of the Company, Senor Colonel Don Facundo Melgares - ---------- ---------- it /the Navajo Tribe/ ought to accede to peace under the following articles -

1st. That the captives that are lacking should be brought at the time set, as well as the apostates that might be among them, surrendered so that those that might be prisoners among us might be surrendered to them by us, that the peace shall be concluded by us in completion by the time that might be proper and that they cease doing evil and harm -

2nd. That they be questioned as to where they have kept the goods that they have, making them see that of the Province, some acquired by their work and industry and others stolen, harming the Province, and if this they do

not understand, they ought to be made to know (it) with the energy and clarity of Spanish -

3d. That they be conceded peace, forgetting forever the offenses and insults that they have done to the Province under the following conditions -

4th. That they are to recognize our government as an allied Nation: that they should recognize as the boundary of the Province (a line) from Ojo del Oso, Chusca, Tunicha, the San Juan River, in order to avoid discord between said Nation and the Spaniards, not preventing them from coming to trade through all of the Province as they have always done, the inhabitants of the Province doing the same among them: if some Spaniard should do damage among them, from time to time, it will be reported to the government in order to pay and to punish the malefactor according to (what) might be his crime; if some Navajo should come to do damage to the Province, they (sic) will be pursued until overtaken, if overtaken before reaching their rancheria they will be made prisoners, if these should resist and place hand upon weapons, action will be taken against them; if they should not be overtaken until arrival at their rancheria the chief of the party will report to the headman of the rancheria, making charges against said robbery and against the malefactors, which ought to be surrendered so that they might be punished and the damage that they have caused made good.-

5th. That the Navajos should discontinue going to the camps of herders of cattle, sheep and goats to trade with the herders from which result the misunderstandings, but whenever they are interested in buying stock of any kind, they should ask for it from its legitimate owners, for in this manner, we will be free of quarrels.

6th. The agreed propositions will be formally presented to them as stated above in the first article, should it not be or a year or longer, in accordance with the purpose for which the meeting convenes, for I have advised them that all the most prominant persons among them ought to be present although they have registered some fears that I treat them with sufficient care in order to celebrate the peace with the solemnity that is proper to it; the Political

Chief should carry two flags, one white and another with red, making said Nation understand the significance of said flags, that the white signifies the peace that they ask for; that the red the war; that if they should come on the appointed day the flag of peace will be unfurled, that if they should not come on said day that of war will be unfurled, by which will be made evident the first point of this manifesto in order to avoid any rashness in order that if it should be necessary the voice of the Chief will place them under arms and make the entire world see that Spanish arms ought to be respected -

7th. If the peace should be verified the Te Deum will be sung inside the Pueblo in praise of the God of Armies and a Mass will be offered asking that He preserve us in peace - Amen, Jesus, Mary and Joseph. - Laguna, September 12, 1822 - Francisco Xavier Chabes - P. d.ta receipt of this will be acknowledged and they will inform me of the captives that have been brought from their respective Jurisdiction. - (to the) three Alcaldes of the Cordillera del margen.

B. The Treaty

I send you a copy of the treaty of peace that I concluded in the Pueblo of Zia with the principal leader and two headmen of the Navajo Tribe, which in the name of all the Nation, the said leader and headmen did; with the object that all who were not present at the act will remain informed, leaving copies - May God keep you many years, Albuquerque, Nov. 11, 1822. - Facundo Melgares - Senores Alcaldes of the Cordillera del Margen

Agreement of peace with the Navajo Nation between the Governor of the Province of New Mexico, the principal leader of the aforesaid, and two headmen.

1st. On the 29th of October of one thousand eight hundred twenty-two, at the request of the Navajos, I conceded them peace and friendship in the name of the Emperor, Senor Don Agustin the First (May God keep him) and arranging it at the orders of general headquarters.

2nd. The fundamental bases are those established in previous (treaties of) peace, that are held constant by the Superior Government and the tribe.

3. Both parties will forget forever the injuries that have resulted to both from the war.

4. The Navajos remain at liberty to trade and travel in the Province.

5. The captives, if the Navajos have any, will be returned to the government of the Province in whose power there are no more Navajos except hostages and one other child (who does not wish to leave), but if the Navajos want them they are ready and any more if they claim them and can inform the government of them, if there /be/ grave reason for retaining them.

6. In order that the previous article be carried out punctually; a list shall be made of only the individuals that the Navajos claim.

7. If the Navajos should want a general; it will be Segundo, the tribe accepting him as such, except that, they shall name him and the Government will confirm (it), signing this and the contracting parties on said date with the Alcaldes and Regidores of the Province who concur. - Facundo Melgares - Segundo - Juan Jose - Jose Tapia - Jose Francisco Baca - Pablo Montoya - Manuel Baca - Salbador Garcia - Juan Jose Silba - Salvador Garcia - Jose Gonzalez - Jose Torres - Juan Baca - Juan Gervacis - Jose Maria Archundi - Jose Antonio Chabes Duran

It is a copy, Albuquerque, Nov. 11, 1822 - Melgares

By virtue of the order of the Senor Commanding General of the 12th of October just past, I have surrendered the military and political command of the Province to Captain Don Jose Antonio Vizcarra; and I advise you for your information and consequent purposes. - May God keep you many years, Albuquerque, Nov. 22, 1822 - Facundo Melgares - Senores Alcaldes of the Cordillera del Margen.
It is a copy, Santa Fe, 24th of ditto, 1822. Translation by David M. Brugge.

* * * * * * *

TREATY OF FEBRUARY 12, 1823

Points of interest that the Political and Military Chief of the Province submits to the individuals, that in the name of it /the province/, compose this group with the object of the best celebration of peace with the Navajo Tribe.

First. That they hand over all of the captives that they have of our /people/ without hiding any and the same with fugitives if they should flee to them.

Second. That there should be handed over to them that are found among us, but only if they wish to go; for if they should wish to receive the beneficial waters of baptism it does not seem proper for Catholics to deny them, but on the contrary to favor them and exhort them to the end that the number of the faithful adorers of the true God of the Christians should be multiplied.

Third. That it be demanded of them that they hand over up to the last portion of that which was stolen from the province since peace was last celebrated with them; returning it to those having suffered from the robberies the total amount.

Fourth. Last. That it be proposed to them with energy that they be converted to the Catholic Religion, resettling themselves in pueblos that will be founded in the places that might be convenient in order to attain this goal that the Faith of Jesus Christ is propagated and that we complete with the perfect attributes of Christians the reduction of an infidel nation to the fold of the Catholic Church.

Pueblo de la Laguna, 5th of February, 1823

Also I say: That the sake of the province and in fulfillment of my office I have deliberated prudently on the four points here, but my object, with the sincere desire to be ready to gain the best results and to hear with agreeableness

the opinions and proposals of the men who hear me.

Jose Antonio Vizcarra

Agreement that, in virtue of the preceding articles, there was between the Navajo Tribe and the Political and Military Governor of the Province, the text of which is the following.

In fulfillment of the first they will hand over the captives that are found among them.

With regard to the second they reclaimed those of their nation that existed among us but with the arrangement that I answered to them that they would be returned to them when they had met all my proposals and gave proofs of proceeding as they promised.

As for the third, they said that they were dying of hunger and that for that reason they did not have enough with which to repay the robberies, but they promised not to repeat their robberies and that if they did not comply they would be punished.

In fulfillment of the fourth and last, they obligated themselves to reply inside of a period of four months counted from the first of next March; with respect to this they had to talk to the entire nation; in virtue of which and for a proper record, the Senores Captain Don Bartolome Baca and Don Antonio Sandoval signed this in the name of General Joaquin and his tribe.

Camp of Paguate, twelth of February of 1823.

Jose Antonio Vizcarra

Bartolome Baca Juan Antonio Sandoval

Translation by David M. Brugge

* * * * * * *

TREATY OF JULY 15, 1839

Having repeatedly petitioned the said Tribe through their envoys, and finally the Chieftain Cayetano, being one of the most important of the said Nation, coming with six of the principal leaders and having spoken to me in the name of the entire Nation that they desire to be given the terms which the Governor of New Mexico may wish, and in view of their humiliation and what appears to be good faith, he /Cayetano/ has agreed to present them to me with the chieftains and other notables of the Nation, concerning this very interesting affair, and after some difference we have agreed to the following articles:

1. There will be peace and commerce to carry out what those of the Navajo Tribe have promised with the citizens of the Department of New Mexico; with those of the Department of Chihuahua; and with those of Sonora as well as with all the citizens of the potential friends of the Mexican Republic.

2. In fulfillment of this agreement and in order to carry out the good faith which animates the agreeing parties the Navajo chieftains have agreed to surrender our captives which are in their Nation who were seized from the fields in which they were caring for their flocks without protection and have agreed also those of their own remain among us as a just reprisal, acquired through an honorable war, without betrayal.

3. As the principal bases for these agreements is to end the horrors of war and return to the sweet name of a stable and lasting peace, the aforesaid chiefs and principals of the said Tribe have agreed to make what safeguards as may be possible that their people in no way again disturb the order with the citizens of the Department of New Mexico.

4. It is understood that trade will remain on the same terms in the Department of New Mexico as it was before the present war.

5. As the purpose of this treaty is to remove every resentment, it is suggested to the Navajo chieftains that in case their people cause any death to the Mexican sheepherders, that they will give up the murderer to the government so that he can be punished, the government suggesting at the same time that in case the sheepherders cause any death that 30 sheep be paid for the dead man, and the malefactor be punished according to law.

6. In case any Navajo Indian woman succeeds in escaping by fleeing from the house of her master, on arrival of the said woman in her own land, when it is verified, that she remain free and without any obligation of the nation to give anything for her ransom.

7. In any case whatsoever, that the enemies of both nations attempt to invade, it shall be the obligation of the contracting parties to stop the aggression and give immediate notice so that they may free themselves from the insult which is being prepared for them, the Navajos being allowed, for if they agree, to have one of, or two of, their Tribe live on the frontiers of Cebolleta and Jemez in order to anticipate such information, if there are Sahuanos, Comanches, or other barbarous tribes, that they be prepared to defeat them or in any case to impede their passage, and that they give the same obligation to the Navajos if the Gila Apaches or other nations prepare to invade the Department.

And in order to carry out all and each one of these articles which make up this Treaty, His Excellency, the Governor, will be authorized on the part of the Republic of Mexico and at the invitation of the Prefects, who also were present, and

for the Navajo Chieftains, above listed, placing as a sign, each one, a cross for the due certification of the Treaty celebrated at San Diego de Jemez, at Jemez, New Mexico, July 15, 1839. (Translation from Myra Ellen Jenkins & Ward Alan Minge, "Record of Navajo Activities Affecting the Acoma-Laguna Area, 1746-1910," Defendants' Joint Exhibit 530 before the Indian Claims Commission in Dockets 227 and 266, ca. 1961. Treaty erroneously dated July 15, 1829 in this volume)

Manuel Armijo, Constitutional Governor and Principal Commander of the Department of New Mexico.

Inasmuch as there was celebrated this day the treaty of peace, that is always being treated of with the Navajos and by petition of said Nation, that there should be made captains that might govern it to maintain its warriors in good order, I have resolved to name one of its captains, convinced of his good circumstances of honor and activity, on order to govern, Antonio Sandoval, so that, in the name of the Mexican Nation, they might subject all of their Nation to it, that they will be respected, keeping that obedience to their principal rulers that is proper to them, subjecting themselves to the orders of the Government for the pacification of their tribe, and the security of the guaranties that are conceded to them by the peace of treaty, giving them a copy for its observance. Given in the Pueblo of Jemez and the fifteenth day of the month of July of one thousand eight hundred thirty-nine.

Manuel Armijo
Antonio Sandoval

Appointment of Captain in
favor of Antonio Sandoval

Translation by David M. Brugge

* * * * * * *

TREATY

Between April 6 and May 8, 1841

(Governor's Draft of Provisions in March, 1841)

Provisions the Commander in Chief of the forces that will meet in the Pueblo of Santo Domingo to treat of peace with the Navajo Tribe arranged because of the impossibility, to my ill health, to be present myself for said act and that the Navajos have to submit to the following articles.

1st. That there shall be peace and commerce, until the Navajo Tribe fulfills all that promised, with the citizens of this Department, with those of Chihuahua and those of any other of the Republic.

2nd. That in fulfillment of this article the Navajos have been obligated to hand over all of our captives that might be among them without demanding equal recompense, assuming that they have solicited the peace and that they have to recognize us as superiors and allies, in view of which they are subject to the government of the Republic.

3rd. As the principal basis of the treaty is to end the horrors of the war and to return to a stable and durable peace, the said chieftains and headmen of the tribe should agree to keep and have kept the present articles so that the Indians of their tribe shall by no means to do harm to the lives or property of these inhabitants, we keeping the same obligation.

4th. Commerce will continue to exist, in virtue of these articles, as it was before the present war.

5th. As the object of this treaty is to remove all motives for resentment, the Navajo Chieftains will try by all means within their power to prevent Indians of their Nation from committing murders among our citizens, remaining obligated, when it is proven, to hand over the killer or killers so that they may be punished in conformance with our laws; the government being obligated, in case our /people/

commit them with them, only to pay a certain fee, without the individuals of either nation being allowed to raise arms to claim the rights that belong to them.

6th. If some captives of the Navajos that might be among us succeed in escaping, fleeing from the houses of their masters, arriving in their lands, the government will not take action to reclaim them nor the Navajos if our /people/ should flee from their ranches or houses to ours.

7th. That should the peace treaty have effect, as is hoped, that it shall follow that there will be named four chieftains from among the Navajos, the entire Tribe meeting so that they will be named by popular consent and this completed, the elected ones will be given names and there will be drawn up provisionally by the Comandante their appointments, said captains being permitted to come from there, if they agree, to have them ratified, sure that they will be received and treated very well: giving them at the same time a small gratification from the account of the government and that they will receive as a proof of our good faith.

8th. In order to corroborate this good faith of which both parties should be agreed, the Navajos will scatter to treat through all the Department as it was done all the time that there was peace previously, our citizens, on the other hand, doing now with their commerce and now with their livestock /cattle, sheep, goats/ and horse herd agreeing to pasture them even within their lands, both contracting parties full of confidence and sure that no harm will be done.

9th. That in order that the peace that is going to be established should not be disturbed and in accordance with the 7th Article, the Navajo Chieftains, in case that some thieves that there are within their tribe and also among us should commit some murder or robberies, arms will not be raided because of it, but if the Navajo Chieftains should hand over the killer or killers in order that they be punished, by returning what was stolen; and if it is by ours, the government promises them, if it is a robbery, to return it to them, and if a death, to pay them at the expense of those that commit it 500 sheep. Translation by David M. Brugge.

* * * * * * *

TREATY OF MARCH 23, 1844

A. Preliminary Draft

Most Excellent Señor

The repeated solicitations of several Chieftains of the Navajo Tribe that they be accorded peace, have obliged me to fix for the celebration of it the twenty-first of the coming month in the Pueblo of Santo Domingo, to which function I invite Your Excellency so that with your guidance and well-known learning, you may contribute to securing it in a more enduring manner.

I also enclose for Your Excellency some of the articles by which I wish to arrange said peace, in order that you might tell me if they are the most suitable, and in case /they are/ not, propose to me those that might be most appropriate to make it more enduring.

I assure Your Excellency of the certainty of my special esteem and distinguished consideration.

God and Liberty, Santa Fe, February 26, 1844

Mariano Martinez

Most Excellent Senor Governor of this Department.

Treaty of peace celebrated with the Navajo Tribe in the Pueblo of Santo Domingo the _____ day by the Senor Comandante General of the Department, Don Mariano Martinez, in virtue of the repeated requests for it that have been made by the Chieftains of said Tribe; Narbona, El Guero, Cabras Muchos, Juan Chavez, and Archuleta, who have agreed to the accompanying articles.

First. There will be peace and commerce between the Navajo Tribe and the citizens of the Department, provided that the first does not make war upon the towns and individuals of this country and travelers in it.

Second. As proof of the good faith with which the Navajo Tribe makes peace, it will hand over all the captives found within it, the individuals of the Department that might have captives of them not doing the same, there remaining for the Navajos the recourse of ransoming them from those that possess them.

Third. Commerce in the Department with the Navajo Tribe continues to exist in the same manner that it was done before the war.

Fourth. All the Navajos present are obligated to hand over any of their tribe that might perpetrate some robbery or murder.

Fifth. The Navajo Chieftains understand that if they again raid the Department, with only this act, even when they request peace, it will not be accorded to them and war will be made continually upon them.

Sixth. Whenever Navajo captives succeed in escaping from their masters and arrive in their land, they will remain free, and the tribe without any responsibility.

Seventh. When the enemies of the Mexican Republic, and those of the Navajo Tribe, try to make war upon them, the contracting parties remain obligated to impede the aggression or to give prompt news in order to free them from it.

Eighth. If any rancheria subject to the Navajo Tribe wishes to settle in the vicinity of our towns, it will be directed to the General Headquarters so that if the latter should consider its request acceptable, it might be conceded to it.

And for the completion of the present agreement they signed it.

B. Treaty

Treaty of Peace celebrated with the Navajo Tribe in the Pueblo of Santo Domingo the 23rd day of March of 1844 by His Excellency Senor Governor Don Mariano Chavez and Señor Comandante General of the Department Don Mariano Martinez and the Senor Prefect of the Second District Don Francisco Sarracino in virtue of the repeated requests for it that have been made by the Chieftains of said Tribe; Narbona, El Guero, Cabras Muchas, Juan Chavez and Archuleta, who have agreed to the following (?) articles.

1st. There will be peace and commerce between the Navajo Tribe and the citizens of the Department, provided that the first does not make war upon the towns and individuals of this country and travelers in it.

2nd. As proof of the good faith with which the Navajo Tribe makes peace, it will hand over all the captives found within it, the individuals of the Department that might have captives of them not doing the same, there remaining for them the recourse of ransoming them from those that possess them.

3rd. Commerce in the Department with the Navajo Tribe continues to exist in the same manner that it was done before the war.

4th. All the Navajos present are obligated to hand over any of their tribe that might perpetrate some robbery or murder.

5th. The Navajo Chieftains understand that if they again raid the Department, with only this act, even when they afterwards request peace, it will not be accorded to them and war will be made continually upon them.

6th. Whenever Navajo captives succeed in escaping from their masters and arrive in their land, they will remain free, and the tribe without any responsibility.

7th. /Deleted/

8th. If any rancheria subject to the Navajo Tribe wishes to locate in the vicinity of our towns, it will be directed to the General Headquarters so that if the latter should consider its request acceptable, it might be conceded to it.

For the completion of the present agreement it was signed by the Excellent Senor Governor, the Senor Comandante General and the Prefect of the 2nd District.

Translation by David M. Brugge

* * * * * * *

TREATY OF NOVEMBER 22, 1846

Memorandum of a treaty entered into between Col. A. W. Doniphan, commanding the United States' forces in the Navajo country, and the chiefs of the Navajo nation of Indians, viz.: Sarcilla Largo, Caballada de Mucho, Alexandro, Sandoval, Kiatanito, Jose Largo, Narbona, Sagundo, Pedro Jose Manuelito, Tapio, and Archulette, at the Ojo Oso, Navajo country, November 22d, 1846.

ART. 1. A firm and lasting peace and amity shall henceforth exist between the American people and the Navajo tribe of Indians.

ART. 2. The people of New Mexico and the Pueblo Indians are included in the term American people.

ART. 3. A mutual trade, as between people of the same nation, shall be carried on between these several parties; the Americans, Mexicans and Pueblos being free to visit all portions of the Navajo country, and the Navajos all portions of the American country without molestation, and full protection shall be mutually given.

ART. 4. There shall be a mutual restoration of all prisoners, the several parties being pledged to redeem by

purchase such as may not be exchanged each for each.

ART. 5. All property taken by either party from the other, since the 18th day of August last, shall be restored.

The undersigned, fully empowered to represent and pledge to the above articles their respective nations, have accordingly hereunto signed their names and affixed their seals.

ALEXANDER W. DONIPHAN,
Col. commanding 1st Regt. Missouri Volunteers.

CONGREVE JACKSON,
Lieut. Col. commanding 1st Battalion.

WILLIAM GILPIN,
Major commanding 2d Battalion.

SIGNATURES OF THE NAVAJO CHIEFS.

Sarcilla Largo,	His X mark.	Sagundo,	His X mark.
Caballada de Mucho,	"	Pedro Jose,	"
Alexandro,	"	Manuelito,	"
Sandoval,	"	Tapio,	"
Kiatanito,	"	Archulette,	"
Jose Largo,	"	Juanico,	"
Narbona,	"	Savoietta Garcia,	"

From: Doniphan's Expedition and the Conquest of New Mexico and California. (Includes a reprint of the work of Col. John T. Hughes.) Topeka, Kansas, published by the author. 1907.

* * * * * * *

TREATY OF MAY 20, 1848

Treaty of Peace and amity made and entered into by the people of the United States and the Navajo tribe of Indians.

Article 1st

There shall henceforth exist between the people of the United States and the people of New Mexico during its occupation by the United States, on the one part, and the tribe of Navajo Indians, on the other part, a firm and lasting peace.

Article 2nd

A mutual trade shall be carried on between the parties above mentioned; the people of the United States and those of New Mexico during its occupation by the United States being permitted to visit parts of the Navajo country and the Navajo Indians to visit all parts of the United States and of New Mexico during its occupation as above, without molestation and with full protection; and the said trade shall be carried on in every other respect as between people of the same nation.

Article 3rd

There shall be an entire restoration of all prisoners that are held at the date of this treaty by either of the parties, and the people of New Mexico; such restoration to be full and complete without regard to the number of prisoners held.

Article 4th

The people of the United States guarantee during their occupation of New Mexico the strict observance of this treaty by the people of the Territory.

Article 5th

The Navajo Tribe of Indians will deliver immediately to the Acting Asst. Qr. Master of the United States now here three hundred sheep and one hundred head mules and horses; such delivery to be made as indemnity in full for the expenses incurred by the people of the United States in this campaign.

The undersigned severally and fully empowered by their respective nations to pledge a full compliance with, and enforcement of, the above articles have hereunto signed their names and affixed their seals.

Done at Head Quarters, Camp at Monte del Cuyatana, Navajo Country, this 20th day of May 1848.

E. W. B. NEWBY
Col. Comg. 1st Regt. Illinois Inftry. Vol. (SL)

JOSE	his X mark	LARGO	(SL)	ARCHILETTI	his X mark		(SL)
NAVON	his X mark		(SL)	JUAN	his X mark	LUCERO	(SL)
CHAPATON	his X mark		(SL)	SEGUNDO	his X mark		(SL)
SARCIA	his X mark	LARGO	(SL)	PABLO	his X mark	PINO	(SL)

* * * * * * *

* * * * * * *

TREATY OF SEPTEMBER 9, 1849

(Ratified by the Senate September 9, 1850;
Proclaimed by the President September 24, 1850)

The following acknowledgements, declarations, and stipulations have been duly considered, and are now solemnly adopted and proclaimed by the undersigned; that is to say, John M. Washington, governor of New Mexico, and lieutenant-colonel commanding the troops of the United States in New Mexico, and James S. Calhoun, Indian agent, residing at Santa Fe, in New Mexico, representing the United States of America, and Mariano Martinez, head chief, and Chapitone, second chief, on the part of the Navajo tribe of Indians:

I. The said Indians do hereby acknowledge that, by virtue of a treaty entered into by the United States of America and the United Mexican States, signed on the second day of February, in the year of our Lord eighteen hundred and forty-eight, at the city of Guadalupe Hidalgo, by N. P. Trist, of the first part, and Luis G. Cuevas, Bernardo Couto, and Mgl. Atristain, of the second part, the said tribe was lawfully placed under the exclusive jurisdiction and protection of the Government of the said United States, and that they are now, and will forever remain, under the aforesaid jurisdiction and protection.

II. That from and after the signing of this treaty, hostilities between the contracting parties shall cease, and perpetual peace and friendship shall exist; the said tribe hereby solemnly covenanting that they will not associate with, or give countenance or aid to, any tribe or band of Indians, or other persons or powers, who may be at any time at enmity with the people of the said United States; that they will remain at peace, and treat honestly and humanely all persons and powers at peace with the said States; and all cases of aggression against said Navajoes by citizens

or others of the United States, or by other persons or powers in amity with the said States, shall be referred to the Government of said States for adjustment and settlement.

III. The Government of the said States having the sole and exclusive right of regulating the trade and intercourse with the said Navajoes, it is agreed that the laws now in force regulating the trade and intercourse, and for the preservation and guardianship of the aforesaid Government, shall have the same force and efficiency, and shall be as binding and as obligatory upon the said Navajoes, and executed in the same manner, as if said laws had been passed for their sole benefit and protection; and to this end, and for all other useful purposes, the government of New Mexico, as now organized, or as it may be by the Government of the United States, or by the legally constituted authorities of the people of New Mexico, is recognized and acknowledged by the said Navajoes; and for the due enforcement of the aforesaid laws, until the Government of the United States shall otherwise order, the territory of the Navajoes is hereby annexed to New Mexico.

IV. The Navajo Indians hereby bind themselves to deliver to the military authority of the United States in New Mexico, at Santa Fe, New Mexico, as soon as he or they can be apprehended, the murderer or murderers of Micente Garcia, that said fugitive or fugitives from justice may be dealt with as justice may decree.

V. All American and Mexican captives, and all stolen property taken from Americans or Mexicans, or other persons or powers in amity with the United States, shall be delivered by the Navajo Indians to the aforesaid military authority at Jemez, New Mexico, on or before the 9th day of October next ensuing, that justice may be meted out to all whom it may concern; and also all Indian captives and stolen property of such tribe or tribes of Indians as shall enter into a similar reciprocal treaty, shall, in like manner, and for the same purposes, be turned over to an authorized officer or agent of the said States by the aforesaid Navajoes.

VI. Should any citizen of the United States, or other person or persons subject to the laws of the United States,

murder, rob, or otherwise maltreat any Navajo Indian or Indians, he or they shall be arrested and tried, and, upon conviction, shall be subjected to all the penalties provided by law for the protection of the persons and property of the people of the said States.

VII. The people of the United States of America shall have free and safe passage through the territory of the aforesaid Indians, under such rules and regulations as may be adopted by authority of the said States.

VIII. In order to preserve tranquility, and to afford protection to all the people and interests of the contracting parties, the Government of the United States of America will establish such military posts and agencies, and authorize such trading-houses, at such time and in such places as the said Government may designate.

IX. Relying confidently upon the justice and the liberality of the aforesaid Government, and anxious to remove every possible cause that might disturb their peace and quiet, it is agreed by the aforesaid Navajoes that the Government of the United States shall, at its earliest convenience, designate, settle, and adjust their territorial boundaries, and pass and execute in their territory such laws as may be deemed conducive to the prosperity and happiness of said Indians.

X. For and in consideration of the faithful performance of all the stipulations herein contained by the said Navajo Indians, the Government of the United States will grant to said Indians such donations, presents, and implements, and adopt such other liberal and humane measures, as said Government may deem meet and proper.

XI. This treaty shall be binding upon the contracting parties from and after the signing of the same, subject only to such modifications and amendments as may be adopted by the Government of the United States; and, finally, this treaty is to receive a liberal construction, at all times and in all places, to the end that the said Navajo Indians shall not be held responsible for the conduct of others, and that the Government of the United States shall so legislate

and act as to secure the permanent prosperity and happiness of said Indians.

In faith whereof, we, the undersigned, have signed this treaty, and affixed thereunto our seals, in the valley of Cheille, this the ninth day of September, in the year of our Lord one thousand eight hundred and forty-nine.

J. M. Washington,
Brevet Lieutenant-Colonel Commanding. (L.S.)

James S. Calhoun,
Indian Agent, residing at Santa Fe. (L.S.)

Mariano Martinez, Head Chief, his X mark, (L.S.)
Chapitone, Second Chief, his X mark, (L.S.)

J. L. Collins.
James Conklin.
Lorenzo Force.
Antonio Sandoval, his X mark.
Francisco Josto, Governor of Jemez, his X mark.

Witnesses--
H. L. Kendrick, Brevet Major U. S. Army.
J. N. Ward, Brevet First Lieutenant Third Infantry.
John Peck, Brevet Major U. S. Army.
J. F. Hammond, Assistant Surgeon U.S. Army.
H. L. Dodge, Captain commanding Eut. Regulars.
Richard H. Kern.
J. N. Nones, Second Lieutenant Second Artillery.
Cyrus Choice.
John H. Dickerson, Second Lieutenant First Artillery.
W. E. Love.
John G. Jones.
J. H. Simpson, First Lieutenant Corps Topographic Engineers.

In the fall of 1851 at the Pueblo of Jemez, a treaty council was held between Superintendent of Indian Affairs James S. Calhoun and Colonel Edwin V. Sumner for the United States, and Navajo Chiefs representing some twenty-five hundred Navajos assembled there. Sumner and Calhoun

> proposed another treaty of peace, to the great amusement of the Indians. Many of them refused to consider the proposition, but finally, after an exciting council among themselves, they agreed to sign and make binding the treaty made with Colonel Washington, alleging that it was previously made with Indians who had no authority to treat for the nation.

No copy of the 1849 treaty with any additional signatures procured at Jemez has been located.*

*Clinton E. Brooks & Frank D. Reeve (Eds.), Forts and Forays. James A. Bennett: A Dragoon in New Mexico 1850-1856, Univ. of New Mexico Press, Albuquerque, 1948, p. 32. The Bennett diary gives November 15, 1851 as the date of the treaty negotiations at Jemez; Major Electus Backus (National Archives, Records of the War Dept., Record Group 98, File B-2/1852, Backus to McFerran, Jan. 4, 1852) refers to a treaty of October 25th; Superintendent James L. Collins, writing some seven years later (Collins to Mix, Sept. 27, 1858, 35th Cong., 2d Sess., Sen. Ex. Doc. 1 - Serial 974, pp. 536-546), refers only to a treaty having been concluded at Jemez "in the winter of 1851-'52."

* * * * * * *

ARTICLES OF AGREEMENT AND CONVENTION, JULY 18, 1855

Made and concluded at Laguna Negra, in the Territory of New Mexico this eighteenth day of July, one thousand eight hundred and fifty five, by David Meriwether, sole commissioner, duly appointed for that purpose on the part of the United States, and the undersigned chiefs, captains, and head men, of the Navajo tribe or nation of Indians; they being thereto duly authorized and acting for and in behalf of their respective bands.

Article 1st. Peace, friendship, and amity shall forever hereafter exist between the United States of America and the Navajo tribe or nation of Indians, and this convention, and every article and stipulation thereof shall be perpetual, and observed and performed in good faith.

Article 2nd. The Navajos do hereby covenant and agree that peaceful relations shall be maintained amongst themselves and all other bands tribes and nations of Indians within the United States, and that they will abstain from committing hostilities or depredations, in future, and cultivate mutual good will and friendship.

Article 3rd. The Navajos hereby cede and forever relinquish to the United States, all title or claim whatsoever, which they have or ever have had to lands within the Territory of New Mexico, except so much as is hereinafter reserved to them. And the Navajos further agree and bind themselves, to remove to, and settle on the lands reserved to them, within twelve months after the ratification of this treaty, without any cost or charge to the United States whatsoever, for their removal: and that they will cultivate the soil and raise flocks and herds for a subsistence; and that the President may withold the annuities herein stipulated to be paid, or any part thereof, whenever the Indians shall violate, fail, or refuse to comply with any provisions of this instrument, or to cultivate the soil in good faith.

Article 4th. The United States agree to set apart and withold from sale, for the use of the Navajos, for their

permanent homes, and hereby guarantees to them the possession and enjoyment of a tract of country within that portion of the Territory of New Mexico now claimed by them, and bounded as follows viz. Beginning on the south bank of the San Juan river, at the mouth of the Rio de Chelly, thence up the San Juan to the mouth of the Canada del Amarilla, thence up the Amarilla to the top of the dividing ridge between the waters of the Colorado and Rio Grande, thence southwestwardly along said dividing ridge to the head of the main branch of the Zune river, thence down the north side thereof to its mouth or entrance into the Colorado Chiquito, thence north to the beginning excluding the lands owned by the Pueblos of Zuñe and Moqui, and reserving to them all their rights and privileges, and reserving to the United States a tract of country embracing fifty square miles around Fort Defiance, to be laid off under the direction of the commanding officer of the department, and in such manner as he may see proper: reserving to the Navajos the right to gather salt at Salt Lake near Zuni.

And the United States is hereby authorized to define the boundaries of the reserved tract, where it may be necessary by actual survey or otherwise, and the President may, from time to time, at his discretion cause the whole or any part thereof to be surveyed, and may assign to each head of a family, or single person, over twenty one years of age twenty acres of land, for his or her separate use and benefit; and to each family of three and less than five persons, forty acres, and each family of five or more persons sixty acres; and he may at his discretion, as fast as the occupants become capable of transacting their own affairs issue patents therefor to such occupants, with such restrictions of the power of alienation, as he may see fit to impose; and he may also, at his discretion, make rules and regulations respecting the disposition of the lands, in case of the death of the head of a family or a single person occupying the same, or in case of its abandonment by them; and he may also assign other lands in exchange for mineral lands, if any such are found in the tracts herein set apart; and he may also make such changes, in the boundary of such reserved tracts, as shall be necessary to prevent interference with any vested rights, all necessary roads, highways, and rail-roads, the lines of which may run through the reserved tracts, shall

have the right of way through the same, compensation being made therefor, as in other cases; but the President may grant the right of way to any such road free of charge, and establish such military posts as he may think proper.

Article 5th. In consideration of, and full payment for the country ceded, and the removal of the Navajos, the United States agree to pay to the Navajos the following sums, without interest, to wit. The United States will, during the years 1856 and 1857 pay to the Navajos ten thousand dollars each year; during the year 1858, and the two next succeeding years thereafter, the sum of six thousand dollars each; and during the year 1861, and the next succeeding fifteen years thereafter, the sum of four thousand dollars each year. All of which several sums of money shall be paid to the Navajos, or expended for their use and benefit, under the direction of the President of the United States, who may from time to time, determine, at his discretion, what proportion of the annual payments, in this article provided for, if any, shall be paid to them in money, and what proportion shall be applied to and expended for their moral improvement and education; for such beneficial objects as, in his judgment, will be calculated to advance them in civilization: for building, opening farms, breaking lands, providing stock, agricultural implements, seeds &c; for employing farmers to teach the Indians to cultivate the soil, for clothing, provisions, and merchandize; for iron, steel, arms and ammunition; for mechanics and tools; and for medical purposes.

Article 6th. The annuities of the Indians shall not be taken to pay the debts of individuals, but satisfaction, for depredations committed by them, shall be made by the Indians, in such manner as the President may direct. Nor shall any part of the amounts stipulated to be paid, ever be applied by the chiefs or head-men, to the payment of tribal debts, or obligations to traders or other persons.

Article 7th. No spirituous liquors shall be made, sold, or used on any of the lands herein set apart for the residence of the Indians; and the sale of the same shall be prohibited, in the Territory hereby ceded, until otherwise ordered by the President.

Article 8th. The laws now in force, or which may hereafter be enacted by Congress, for the regulation of trade and intercourse with the Indian tribes, shall continue and be in force within the country set apart for the use of the Navajos; and such portions of said laws as prohibit the introduction, manufacture, use of, and traffic in ardent spirits, in the Indian country, shall continue and be in force, in all the country ceded, until otherwise provided by law.

Article 9th. The Navajos do further agree and bind themselves to make restitutions, or satisfaction, for any injuries done by any band or any individual, to the people of the United States, and to surrender, to the proper authorities of the United States, when demanded, any individual or individuals who may commit depredations, to be punished according to law. And if any citizen of the United States, shall, at any time, commit depredations upon the Indians, the Navajos agree, that they will not take private satisfaction or revenge themselves, but instead thereof, they will make complaint to the proper Indian Agent for redress. And the said Indians do further agree to refrain from all depredations upon the inhabitants thereof.

Article 10th. This treaty shall be obligatory upon the contracting parties as soon as the same shall be ratified by the President and Senate of the United States.

In Testimony whereof, the said David Meriwether, commissioner as aforesaid, and the undersigned chiefs, captains, and headmen of the said tribe of Navajo Indians, have hereunto set their hands and seals at the place, and on the day and year hereinbefore written.

D. MERIWETHER (L.S.)
Com. on the part of the United States

Witnesses present
JNO. GARLAND
Bt. Brigr. Genl.
U.S.A.

Manuelito X His mark (L.S.)
Jose Miguel X His mark (L.S.)
Cabra Blanco X His mark (L.S.)
Francisco Baca X His mark (L.S.)
Segundo X His mark (L.S.)

H. L. KENDRICK
Bvt. Maj. U.S.A.

O. L. SHEPHERD
Capt. 3rd Inf.
& Bvt. Major

R. S. EWELL
Capt. 1 Drg.

W. W. H. DAVIS
Secty.
Terry. New Mexico

Mariano Martinez X His mark (L.S.)
Julian Tenorio X His mark (L.S.)
Jas-tin-a X His mark (L.S.)
Jose Baca X His mark (L.S.)
Jose Antonio X His mark (L.S.)
Jose X His mark (L.S.)
Antonio Viscario X His mark (L.S.)
Niz-Nez X His mark (L.S.)
Bele Thlana X His mark (L.S.)
Bitche-de-latche X His mark (L.S.)
Hijo del Juanico X His mark (L.S.)
Manuel Huero X His mark (L.S.)
Bick-e-de-stedy X His mark (L.S.)
Aguilar Negro X His mark (L.S.)
Caton Colorado X His mark (L.S.)
Bele-clee-zine X His mark (L.S.)
Salvador Colorado X His mark (L.S.)
Ori-nez X His mark (L.S.)
Jose Paya X His mark (L.S.)
Sarcillas Largas X His mark (L.S.)
Pana Hulgohi X His mark (L.S.)
Manuel Armijo X His mark (L.S.)

* * * * * * *

TERMS OF ARMISTICE, NOVEMBER 20, 1858

At the request of Mr. Yost, Agent, and urgent and repeated solicitation of the Navijo Tribe of Indians asking for peace, the undersigned commander of the forces operating against them in the present war, consents to grant an armistice for 30 days from the signing of this, during which period no act or acts of hostility shall be committed by either party, on the following terms, subject to the approval of the commander of the Department of New Mexico, viz.

1. The assembled chiefs and principal men of the Tribe of Navajo Indians consents and agrees to meet within 30 days at this post authorized commissioners to form a treaty of peace on a sure basis, and which will be binding on the

United States as well as on the Navijoes.

2. The assembled chiefs and principal men agrees and consents that the following items shall form the basis of the treaty. 1st. To deliver up every horse, mule and poney taken by them from this post during the war. 2d. That the chief selected to be their principal, shall be obeyed in all things with strict obedience in the requirements made by their agent or commanding officer of this post. 3d. That the Navijoes will deliver up the murderer as soon as they can catch him, and it will be no offense if the troops ever take him and punish him. 4th. On the day of signing the treaty there will be an exchange of prisoners--all captives in the possession of the Navijoes will be surrendered and all captives of their nation now in confinement at this post will be set at liberty.

We the undersigned chiefs and principal men of the Navijo Nation agree and consent in the name of their nation and sign our names before witnesses, that we act in good faith and sincerity by so doing.

This at Fort Defiance N. M. this 20th day of November 1858.

Sarcillos his X mark Largos	Jijo de Siego X (his mark)
Armijo X (his mark)	Cabras Blancas X (his mark)
Gordo X (his mark)	Ganado Mucho X (his mark)
Herrero X (his mark)	Guero X (his mark)
Barboncito X (his mark)	Cabesa Colorado X (his mark)

We the undersigned certify that the chiefs whose names are above signed, did so with a full and perfect understanding of the true meaning of every and each sentence, and in addition they expressed the most perfect humiliation, and the greatest willingness for peace.

S. M. YOST
U. S. Indian Agent

Green Wilson
U. S. Interpreter for Navajoe Agency

The chiefs and head men of the Navajo Tribe of Indians having agreed to the terms I have proposed, I hereby grant an armistice for thirty days from this date.

20th Novbr. 1858
Fort Defiance, N. M.

D. S. MILES
Lt. Col. 3 Inf.
Comg. Navajo Exped.

* * * * * * *

TREATY OF DECEMBER 25, 1858

The following are the terms upon which Col. B. L. E. Bonneville, commanding the Department of New Mexico, and Col. J. L. Collins, Supt. of Ind. Affairs for the Territory of New Mexico, acting for and on behalf of the United States, have agreed that peace shall be restored to the Navajo tribe of Indians, and when all the terms are fully complied with on the part of said Indians, friendship and amicable relations shall again exist between the United States and the Navajo nation.

1st. It is agreed on the part of the head chiefs of the Navajos, acting for the entire tribe, that a line commencing at the Piscada Spring which forms the head of the Zuni River, then on a direct line to Bear Spring on the road from Albuquerque to Fort Defiance; thence on a direct line to the Pueblo, or ruins of Escandido on the Chaco; thence on a direct line to the junction of the Chaco--otherwise known as the Tunicha--with the San Juan, shall form the eastern limits of the Navajo tribe, and beyond which they agree that none of the tribe shall graze or plant nor in any other manner occupy. To prevent such occupancy, it is agreed that the authorities and troops of the United States shall have the right, under the direction of the commanding officer of Fort

Defiance, to capture, and destroy if necessary, all stock or flocks of the tribe found east of said line, and to destroy all crops which may be planted east of the line.

2nd. They agree to indemnify the citizens, settlers, and Pueblo Indians for all depredations committed upon their property by any of the Navajo tribe since the 15th day of August last, by the return of the property stolen, or if the property is not returned, they are to pay an equivalent in other property, such as sheep, horses, mules &c. or a fare valuation to be fixed by the U. S. agent for the Navajo tribe, for the time being, and the commanding officer at Fort Defiance.

3rd. As a guarranty for the future good conduct of the Navajos it is agreed that the whole tribe shall be held responsible for any depredations perpetrated by any of the tribe, and if prompt satisfaction is not rendered for such depredations, then the authorities and troops of the United States will proceed to make reprisals from the stock and flocks of the tribe at large as shall suffice to indemnify the sufferers.

4th. All prisoners or captives, either Mexicans or Pueblo Indians, in the possession of the Navajos who desire their release are to be given up to the U. S. for the purpose of being set at liberty or restored to their friends. On the other hand it is agreed that the Navajo prisoners in the hands of the United States will be returned to their tribe.

5th. It being represented by the Navajo tribe that the member of their nation who assassinated the Negro boy of Major Brooks at Fort Defiance, has fled beyon(d) the limits and reach of the Navajo nation, so that his surrender is out of their power, therefore the demand for his rendition heretofore made is waived; but it is understood and stipulated by the Navajos that they are never hereafter to allow that member of their tribe to come or remain within their limits or in any manner to extend to him their protection, and if he shall be hereafter permitted to come or remain within their country or protection, such permission or toleration shall be regarded as a breach of this adjustment and an act of war against the United States.

6th. It is distinctly understood that by these conditions, or any other which may be exacted, the United States does not forgo the right to dispatch military expeditions through the Navajo country, or to establish new military posts or defences, or Indian agencies, with farming, grazing, or other necessary grounds reserved for the use of the same.

7th. The chief Huero, who has been lately elected by the tribe, as the head chief of the nation, is to be regarded and recognized as the central authority of the tribe, with whom all questions which may arise between the U. S. and the Navajos shall be settled, and his acts shall be recognized and held to be binding upon the whole tribe.

8th. It is understood that Sandoval and his people are for the present, and until otherwise provided in future, permitted to occupy the country they now occupy, but in all other respects they are to be considered as part and parcel of the Navajo nation.

All the people now with Sandoval who do not properly belong to his band are to return immediately to their own country west of the line fixed in the first of these articles.
Agreed to and signed on the 25th day of Dec. 1858.

In presence of

Witness.
E. BACKUS
Maj. 3 Inf.

G. GRANGER
1 Lt. Rifles, Bt. Capt.

S. M. YOST
Indian Agent

El Huero X his mark
Armijo X his mark
Cabasa Colorado X his mark
Gordo X his mark
Ish-kit-si-nee X his mark
Huero 2d X his mark
Sarcillos Largos X his mark
Herrero X his mark
Ganado Muncho X his mark
Durando X his mark
Huero X his mark
Herrera Chicito X his mark
Guardo 2d X his mark
Marcus X his mark
Utah Chicito or
Jose Antonio X his mark

I certify that the Indian chiefs whose names are signed to the above articles and conditions, agreed to them of their own accord, after they were fully explained.

S. M. YOST
Indian Agent

* * * * * * *

TREATY OF FEBRUARY 15, 1861

There shall be perpetual peace between the United States of America and the Navajo Nation and to this end the following conditions and stipulations have been mutually agreed upon between Lieut. Colonel E. R. S. Canby, U. S. Army, on the part of the United States, and the Navajo Chiefs assembled in council at Fort Fauntleroy, N. M., this 15th day of February, 1861, on the part of the Navajo Nation.

First. It is distinctly understood that the inhabitants of New Mexico, the people of Zuni, Moqui and all the other Indian Pueblos and all Indian tribes that are now or may hereafter be under the protection of the United States are embraced in the terms and stipulations of this treaty, and any act of hostility against these will be a breach of faith and act of hostility against the United States.

Second. The Navajo Chiefs agree to submit themselves unconditionally to the Government of the United States and to pledge themselves for the whole Navajo Nation for the faithful performance of all the conditions and stipulations of this treaty, and they also mutually pledge themselves to each other to support the Head Chief of the Nation and all the other chiefs in controlling their people and maintaining inviolate and in good faith the conditions of the treaty, and this without respect to the family or the rank of the offenders.

Third. It is further agreed by the Navajo Chiefs that they will, at once, make war on the ladrones and unruly men

of the nation, that the war will be continued until the ladrones are destroyed and the others are brought under proper subjection and control; and it is stipulated on the part of the United States that whenever the ladrones or bad men are so strong that they cannot be suppressed or controlled by the Navajoes themselves, that troops will be sent to assist in their suppression or control.

Fourth. It is further stipulated by the Navajo Chiefs that they will not permit any ladrones or bad men to take refuge or hide among their people and that if any such are found at any time, they will immediately be surrendered to the commanding officer of the nearest military post; that they will not permit their people to purchase or sell any stolen property but will cause it to be delivered up at the nearest military post in order that it may be restored to its owners, and that they will indemnify the owners for any such property that may have been consumed or destroyed by their people; and it is stipulated on the part of the United States that if any robberies should be committed upon Navajoes who have in good faith complied with the conditions of this treaty that measures will be taken to see that justice is done them.

Fifth. The Navajo Chiefs shall immediately collect their people and establish them in the country west of Fort Fauntleroy, and until it is otherwise stipulated none of them will be allowed to live or graze their flocks in the country east of that post. If any are found in that country they will not be entitled to protection but will be regarded and treated as enemies, and it is understood that the Navajo Chiefs will, as soon as it is practicable, and the necessary arrangements can be made, establish their people permanently in Pueblos or settled communities, where peaceable avocations may be pursued without interruption or molestation.

Sixth. Whenever the Government of the United States is satisfied that the Navajo people will conform in good faith to the conditions and stipulations of this treaty, put an end to their depredations and live in peace with all their neighbors, measures will be taken to render them any assistance that may be necessary to place them in the same condition with other nations, under the protection of the

Government, and with this object it is stipulated that a general council of the Navajo Chiefs shall be held at this post on the 20-24th day of May next.

ED. R. S. CANBY
Maj. 10 Inf. &
Lt. Col. U.S.A.

/Witnesses/

N. B. ROSSELL
Bvt. Maj. &
Capt. 5 Inf.

B. A. CLEMENTS
Asst.Surg. U.S.A.

HERRERO his X mark GRANDE

" " ARMIJO his X mark

" " HERRERO his X mark CHIQUITO

" " BARBON his X mark No. 1

" " SOLDADO his X mark SURDO

" " CROOKED his X mark WHISKERS

" " JACUNDA his X mark

" " EL his X mark SURDO

" " BARBON his X mark No. 2 KLA

N. B. ROSSELL Bvt. Maj. & Capt. 5 Inf.	B. A. CLEMENTS Asst. Surg. U.S.A.	SOBRINO DE his X mark HERRERO
"	"	JOSE his X mark
"	"	MARIANO his X mark
B. WINGATE Capt. 5th Infty.	S. COOPER McKEE Asst. Surg. U.S.A.	JOSE his X mark PELON
N. B. ROSSELL Bvt. Maj. & Capt. 5 Inf.	H. R. SELDEN Capt. 5 Inf.	HA-NAU his X mark A HI
"	"	CABESA his X mark GRANDE
"	"	EL his X mark CHOUPADOR
J. A. WHITALL Capt. 5 Inf.		MANUELITO his X mark
"		EL HIJO DE his X mark JUANICO
"		FERNANDO his X mark
"		KLA his X mark

J. A. WHITALL
Capt. 5 Infy.

L. L. RICH
1 Lt. 5 Infy.

"

"

"

"

"

"

"

"

"

J. A. WHITALL
Capt. 5 Inf.

his
BARBON SU X HIJO
mark

his
CUYO X SU HIJO
mark

his
ANDREW X JACKSON
mark

his
HUERRO X No. 1
mark

his
HUERRO X No. 2
mark

his
CUNANI X
mark

his
JUAN X
mark

his
JOSE X DE CHUSCO
mark

his
JUAN X LUCERO
mark

his
JUAN X PEDRO
mark

his
GORDO X
mark

W. J. L. NICODEMUS 5 Infy.		his HUERO X No. 3 mark
J. A. WHITALL	Tot-so-nis-ne	his GANADO X MUCHO mark
SAM'L ARCHER 1st Lieut. 5th Inf.		BARBONCITO his X mark
L. L. RICH 1 Lt. 5 Infy.		his CAVALLADA X ROSIO mark
"		his VICENTE X BACA mark
J. A. WHITALL Capt. 5 Inf.		his CABRA X BLANCA mark
H. B. BRISTOL 2 Lt. 5 Inf.		TA-CA-RA X
"		HERRERO CHIQUITITO X
"		MONTERO LARGO X
"		CHUPADOR CHIQUITO X
"		SAL-GORDO X
"		EL TUERTO X
J. UPDEGRAFF 1 Lt. 5 Inf.		CAYETANITO X TABACO GRANDE
"		MULA X MUCHO
"		CAYETANITO X SAN LUCERO
"		AIJULO X PINTO
"		BOTA X

* * * * * * *

TREATY OF JUNE 1, 1868

T R E A T Y
BETWEEN THE UNITED STATES OF AMERICA
and
THE NAVAJO TRIBE OF INDIANS

Concluded June 1, 1868
Ratification Advised July 25, 1868.
Proclaimed August 12, 1868

ANDREW JOHNSON, President of the United States of America, to all and singular to whom these presents shall come, greeting:

Whereas a Treaty was made and concluded at Fort Sumner, in the Territory of New Mexico, on the first day of June, in the year of our Lord one thousand eight hundred and sixty-eight, by and between Lieutenant General W. T. Sherman and Samuel F. Tappan, Commissioners, on the part of the United States, and Barboncito, Armijo, and other Chiefs and Headmen of the Navajo tribe of Indians, on the part of said Indians, and duly authorized thereto by them, which Treaty is in the words and figures following, to wit:

Articles of a Treaty and Agreement made and entered into at Fort Sumner, New Mexico, on the first day of June, 1868, by and between the United States, represented by its commissioners, Lieutenant General W. T. Sherman and Colonel Samuel F. Tappan of the one part, and the Navajo nation or tribe of Indians, represented by their Chiefs and Headmen, duly authorized and empowered to act for the whole people of said nation or tribe, (the names of said Chiefs and Headmen being hereto subscribed,) of the other part, witness:

ARTICLE I.

From this day forward all war between the parties to this agreement shall forever cease. The government of the United States desires peace, and its honor is hereby pledged to

keep it. The Indians desire peace, and they now pledge their honor to keep it.

If bad men among the whites, or among other people subject to the authority of the United States, shall commit any wrong upon the person or property of the Indians, the United States will, upon proof made to the agent and forwarded to the Commissioner of Indian Affairs at Washington city, proceed at once to cause the offender to be arrested and punished according to the laws of the United States, and also to reimburse the injured persons for the loss sustained.

If bad men among the Indians shall commit a wrong or depredation upon the person or property of any one, white, black, or Indian, subject to the authority of the United States and at peace therewith, the Navajo tribe agree that they will, on proof made to their agent, and on notice by him, deliver up the wrongdoer to the United States, to be tried and punished according to its laws; and in case they wilfully refuse to do so, the person injured shall be reimbursed for his loss from the annuities or other moneyes due or to become due to them under this treaty, or any others that may be made with the United States. And the President may prescribe such rules and regulations for ascertaining damages under this article as in his judgement may be proper; but no such damage shall be adjusted and paid until examined and passed upon by the Commissioner of Indian Affairs, and no one sustaining loss whilst violating, or because of his violating, the provisions of this treaty or the laws of the United States, shall be reimbursed therefor.

ARTICLE II.

The United States agrees that the following district of country, to wit: bounded on the north by the 37th degree of north latitude, south by an east and west line passing through the site of old Fort Defiance, in Canon Bonito, east by the parallel of longitude which, if prolonged south, would pass through old Fort Lyon, or the Ojo-de-Oso, Bear Spring, and west by a parallel of longitude about 109 degrees 30' west of Greenwich, provided it embraces the outlet of the Canon-de-Chilly, which canon is to be all included in this reservation, shall be, and the same is hereby, set apart for

the use and occupation of the Navajo tribe of Indians, and for such other friendly tribes or individual Indians as from time to time they may be willing, with the consent of the United States, to admit among them; and the United States agrees that no persons except those herein so authorized to do, and except such officers, soldiers, agents, and employes of the government, or of the Indians, as may be authorized to enter upon Indian reservations in discharge of duties imposed by law, or the orders of the President, shall ever be permitted to pass over, settle upon, or reside in, the territory described in this article.

ARTICLE III.

The United States agrees to cause to be built at some point within said reservation, where timber and water may be convenient, the following buildings: a warehouse, to cost not exceeding twenty-five hundred dollars; an agency building for the residence of the agent, not to cost exceeding three thousand dollars; a carpenter shop and a blacksmith shop, not to cost exceeding one thousand dollars each; and a schoolhouse and chapel, so soon as a sufficient number of children can be induced to attend school, which shall not cost to exceed five thousand dollars.

ARTICLE IV.

The United States agrees that the agent for the Navajos shall make his home at the agency building; that he shall reside among them and keep an office open at all times for the purpose of prompt and diligent inquiry into such matters of complaint by or against the Indians as may be presented for investigation, as also for the faithful discharge of other duties enjoined by law. In all cases of depredation on person or property he shall cause the evidence to be taken in writing and forwarded, together with his finding, to the Commissioner of Indian Affairs, whose decision shall be binding on the parties to this treaty.

ARTICLE V.

If any individual belonging to said tribe, or legally incorporated within it, being the head of a family, shall desire

to commence farming, he shall have the privilege to select, in the presence and with the assistance of the agent then in charge, a tract of land within said reservation, not exceeding one hundred and sixty acres in extent, which tract, when so selected, certified, and recorded in the "land book", as herein described, shall cease to be held in common, but the same may be occupied and held in the exclusive possession of the person selecting it, and of his family, so long as he or they may continue to cultivate it.

Any person over eighteen years of age, not being the head of a family, may in like manner select, and cause to be certified to him or her for purposes of cultivation, a quantity of land, not exceeding eighty acres in extent, and thereupon be entitled to the exclusive possession of the same as above directed.

For each tract of land so selected a certificate containing a description thereof, and the name of the person selecting it, with a certificate endorsed thereon that the same has been recorded, shall be delivered to the party entitled to it by the agent, after the same shall have been recorded by him in a book to be kept in his office, subject to inspection, which said book shall be known as the "Navajo Land Book".

The President may at any time order a survey of the reservation, and, when so surveyed, Congress shall provide for protecting the rights of said settlers in their improvements, and may fix the character of the title held by each. The United States may pass such laws on the subject of alienation and descent of property between the Indians and their descendants as may be thought proper.

ARTICLE VI.

In order to insure the civilization of the Indians entering into this treaty, the necessity of education is admitted, especially of such of them as may be settled on said agricultural parts of the reservation, and they therefor pledge themselves to compel their children, male and female, between the ages of six and sixteen years, to attend school; and it is hereby made the duty of the agent for said Indians to see that this stipulation is strictly complied

with; and the United States agrees that, for every thirty children between said ages who can be induced or compelled to attend school, a house shall be provided, and a teacher competent to teach the elementary branches of an English education shall be furnished, who will reside among said Indians, and faithfully discharge his or her duties as a teacher.

The provisions of this article to continue for not less than ten years.

ARTICLE VII.

When the head of a family shall have selected lands and received his certificate as above directed, and the agent shall be satisfied that he intends in good faith to commence cultivating the soil for a living, he shall be entitled to receive seeds and agricultural implements for the first year, not exceeding in value one hundred dollars, and for each succeeding year he shall continue to farm, for a period of two years, he shall be entitled to receive seeds and implements to the value of twenty five dollars.

ARTICLE VIII.

In lieu of all sums of money or other annuities provided to be paid to the Indians herein named under any treaty or treaties heretofore made, the United States agrees to deliver at the agency house on the reservation herein named, on the first day of September of each year for ten years, the following articles, to wit:

Such articles of clothing, goods, or raw materials in lieu thereof, as the agent may make his estimate for, not exceeding in value five dollars per Indian--each Indian being encouraged to manufacture their own clothing, blankets, etc.; to be furnished with no article which they can manufacture themselves. And in order that the Commissioner of Indian Affairs may be able to estimate properly for the articles herein named, it shall be the duty of the agent each year to forward to him a full and exact census of the Indians, on which the estimate from year to year can be based.

And in addition to the articles herein named, the sum of ten dollars for each person entitled to the beneficial effects of this treaty shall be annually appropriated for a period of ten years, for each person who engages in farming or mechanical pursuits, to be used by the Commissioner of Indian Affairs in the purchase of such articles as from time to time the conditions and necessities of the Indians may indicate to be proper; and if within the ten years at any time it shall appear that the amount of money needed for clothing under the article can be appropriated to better uses for the Indians named herein, the Commissioner of Indian Affairs may change the appropriation to other purposes, but in no event shall the amount of this appropriation be withdrawn or discontinued for the period named, provided they remain at peace. And the President shall annually detail an officer of the army to be present and attest the delivery of all the goods herein named to the Indians, and he shall inspect and report on the quantity and quality of the goods and the manner of the delivery.

ARTICLE IX.

In consideration of the advantages and benefits conferred by this treaty and the many pledges of friendship by the United States, the tribes who are parties to this agreement hereby stipulate that they will relinquish all right to occupy any territory outside their reservation, as herein defined, but retain the right to hunt on any unoccupied lands contiguous to their reservation, so long as the large game may range thereon in such numbers as to justify the chase; and they, the said Indians, further expressly agree:

1st. That they will make no opposition to the construction of railroads now being built, or hereafter to be built, across the continent.

2nd. That they will not interfere with the peaceful construction of any railroad not passing over their reservation as herein defined.

3rd. That they will not attack any persons at home or travelling, nor molest or disturb any wagon trains, coaches, mules or cattle belonging to the people of the United States,

or to persons friendly therewith.

4th. That they will never capture or carry off from the settlements women or children.

5th. That they will never kill or scalp white men, nor attempt to do them harm.

6th. They will not in future oppose the construction of railroads, wagon roads, mail stations, or other works of utility or necessity which may be ordered or permitted by the laws of the United States; but should such roads or other works be constructed on the lands of their reservation, the government will pay the tribe whatever amount of damage may be assessed by three disinterested commissioners to be appointed by the President for that purpose, one of said commissioners to be chief or head man of the tribe.

7th. They will make no opposition to the military posts or roads now established, or that may be established, not in violation of treaties heretofore made or hereafter to be made with any of the Indian tribes.

ARTICLE X.

No future treaty for the cession of any portion or part of the reservation herein described, which may be held in common, shall be of any validity or force against said Indians unless agreed to and executed by at least three-fourths of all the adult male Indians occupying or interested in the same; and no cession by the tribe shall be understood or construed as to deprive, without his consent, any individual member of the tribe of his rights to any tract of land selected by him as provided in Article V of this treaty.

ARTICLE XI.

The Navajos also agree hereby that at any time after the signing of these presents they will proceed in such manner as may be required of them by the agent, or by the officer charged with their removal, to the reservation herein provided for, the United States paying for their subsistence en route, and providing a reasonable amount of transportation

for the sick and feeble.

ARTICLE XII.

It is further agreed by and between the parties to this agreement that the sum of one hundred and fifty thousand dollars appropriated, or to be appropriated, shall be disbursed as follows, subject to any conditions provided in the law, to wit:

1st. The actual cost of the removal of the tribe from the Bosque Redondo reservation to the reservation, say fifty thousand dollars.

2nd. The purchase of fifteen thousand sheep and goats, at a cost not to exceed thirty thousand dollars.

3rd. The purchase of five hundred beef cattle and a million pounds of corn, to be collected and held at the military post nearest the reservation, subject to the orders of the agent, for the relief of the needy during the coming winter.

4th. The balance, if any, of the appropriation to be invested for the maintenance of the Indians pending their removal, in such manner as the agent who is with them shall determine.

5th. The removal of this tribe to be made under the supreme control and direction of the military commander of the Territory of New Mexico, and when completed, the management of the tribe to revert to the proper agent.

ARTICLE XIII.

The tribe herein named, by their representatives, parties to this treaty, agree to make the reservation herein described their permanent home, and they will not as a tribe make any permanent settlement elsewhere, reserving the right to hunt on the lands adjoining the said reservation formerly called theirs, subject to the modifications named in this treaty and the orders of the commander of the department in which said reservation may be for the time being; and it is

further agreed and understood by the parties to this treaty, that if any Navajo Indian or Indians shall leave the reservation herein described to settle elsewhere, he or they shall forfeit all the rights, privileges, and annuities conferred by the terms of this treaty; and it is further agreed by the parties to this treaty, that they will do all they can to induce Indians now away from reservations set apart for the exclusive use and occupation of the Indians, leading a nomadic life, or engaged in war against the people of the United States, to abandon such a life and settle permanently in one of the territorial reservations set apart for the exclusive use and occupation of the Indians.

In testimony of all which the said parties have hereunto, on this the first day of June, eighteen hundred and sixty-eight, at Fort Sumner, in the Territory of New Mexico, set their hands and seals.

W. T. SHERMAN,
Lt. Gen'l, Indian Peace Commissioner.

S. F. TAPPAN,
Indian Peace Commissioner.

BARBONCITO, Chief	(his mark)		Council		
ARMIJO	"	"	RIQUO	(his mark)	
DELGADO	"	"	JUAN MARTIN	"	"
MANUELITO	"	"	SERGINTO	"	"
LARGO	"	"	GRANDE	"	"
HERRERO	"	"	INOETENITO	"	"
CHIQUETO	"	"	MUCHACHOS MUCHO	"	"
MUERTO DE HOMBRE	"	"	CHIQUETO SEGUNDO	"	"
HOMBRO	"	"	CABELLO AMARILLO	"	"
NARBONO	"	"	FRANCISCO	"	"
NARBONO SEGUNDO	"	"	TORIVIO	"	"
GANADO MUCHO	"	"	DESDENDADO	"	"
			JUAN	"	"
			GUERO	"	"
			GUGADORE	"	"
			CABASON	"	"
			BARBON SEGUNDO	"	"
			CABARES COLORADOS	"	"

Attest:

Geo. W. Getty
Col. 37th Inf'y.
Bt. Maj. Gen'l U.S.A.

B. S. Roberts,
Bt. Brg. Gen'l, U.S.A.,
Lt. Col. 3d Cav'y.

J. Cooper McKee,
Bt. Lt. Col. Surgeon U.S.A.

Theo. H. Dodd,
U.S. Indian Agent for the
Navajos.

Chas. McClure,
Bt. Maj. and C.S. U.S.A.

James F. Weeds,
Bt. Maj. and Asst. Surg.
U.S.A.

J. C. Sutherland,
Interpreter.

William Vaux,
Chaplain U.S.A.

And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the twenty fifth day of July, one thousand eight hundred and sixty-eight, advise and consent to the ratification of the same, by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
July 25, 1868.

Resolved, (two-thirds of the senators present concurring) That the Senate advise and consent to the ratification of the treaty between the United States and the Navajo Indians, concluded at Fort Sumner, New Mexico, on the first day of June, 1868.

Attest:

Geo. C. Gorham,
Secretary.
By W. J. McDonald,
Chief Clerk.

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the twenty-fifth of July, one thousand eight hundred and sixty-eight, accept, ratify, and confirm the said treaty.

In testimony whereof, I have hereto signed my name, and caused the seal of the United States to be affixed.

Done at the city of Washington, this twelfth day of August, in the year of our Lord one thousand eight hundred and sixty-eight, and of the Independence of the United States of America, the ninety-third.

(Seal) ANDREW JOHNSON

By the President:
W. Hunter,
Acting Secretary of State.

* * * * * * *

PUBLICATIONS AVAILABLE

Navajo Historical Publications	
Biographical Series	
No. 1 Sandoval - Traitor or Patriot?	$1.00
No. 2 Zarcillos Largos - Courageous Advocate of Peace	.1.00
No. 3 Bai-a-lil-le. Medicine Man - or Witch?	.1.00
Documentary Series	
No. 1 The Story of the Navajo Treaties with Texts in English	1.00
Research Reports	
Navajos in the Catholic Church Records of New Mexico: 1694-1875, Research Report No. 1. David M. Brugge, 1968.	2.50
Navajo Bibliography and Subject Index, Research Report No. 2. J. Lee Correll, Editha L. Watson, David M. Brugge, 1969 (2 vols.)	5.50
Other	
A Century of Progress: 1868-1968. A book of photographs of Navajo life. Martin A. Link	6.00
Welcome to the Land of the Navajo: A Book of Information About the Navajo Indians	2.50
Navajoland Map in Color	.50
Motorist Guide to the Navajo Reservation	1.00
Colorful Navajo Land - Picture Portfolio of Cards	1.00
Navajoland Publications	
An Annotated Catalog of Plants from Window Rock, Arizona - Vorsila L. Bohrer and Margaret Bergseng	.25
Navajo Pottery and Ethnohistory - David M. Brugge	.25
Navajo Sandpaintings - Kenneth E. Foster	.25
The Mammals of Navajoland - Arthur F. Halloran	.25
Navajo Sacred Places - Editha L. Watson	.25
Long Ago in Navajoland - David M. Brugge	.25
Tourism in the Navajo Country: Resources and Planning - Stephen C. Jett	1.00
Hwelte (Fort Sumner) - Martin A. Link	.25

ORDER FROM

Navajo Tribal Museum
Navajo Parks and Recreation Department
P. O. Box 797
Window Rock, Arizona 86515

(NO C.O.D. OR STAMPS)